

LONDON BOROUGH OF ENFIELD

PLANNING COMMITTEE

Date : 19th December 2017

Report of
Assistant Director,
Regeneration & Planning

Contact Officer:
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Ward: Southbury

Ref: 17/01161/FUL

Category: Major

LOCATION: 1-3 Chalkmill Drive, EN1 1TZ

PROPOSAL: Subdivision of site (8,873 sqm) and part change of use of building to retail (A1 at 2,774 sqm) involving new shop front, creation of new access/servicing, pedestrian crossing, together with provision of new sub-station, widening of existing crossover, hard and soft landscaping and other associated works.

Applicant Name & Address:

Mr Tim Chilvers
Montagu Evans
5 Bolton Street
London
W1J 8BA

Agent Name & Address:

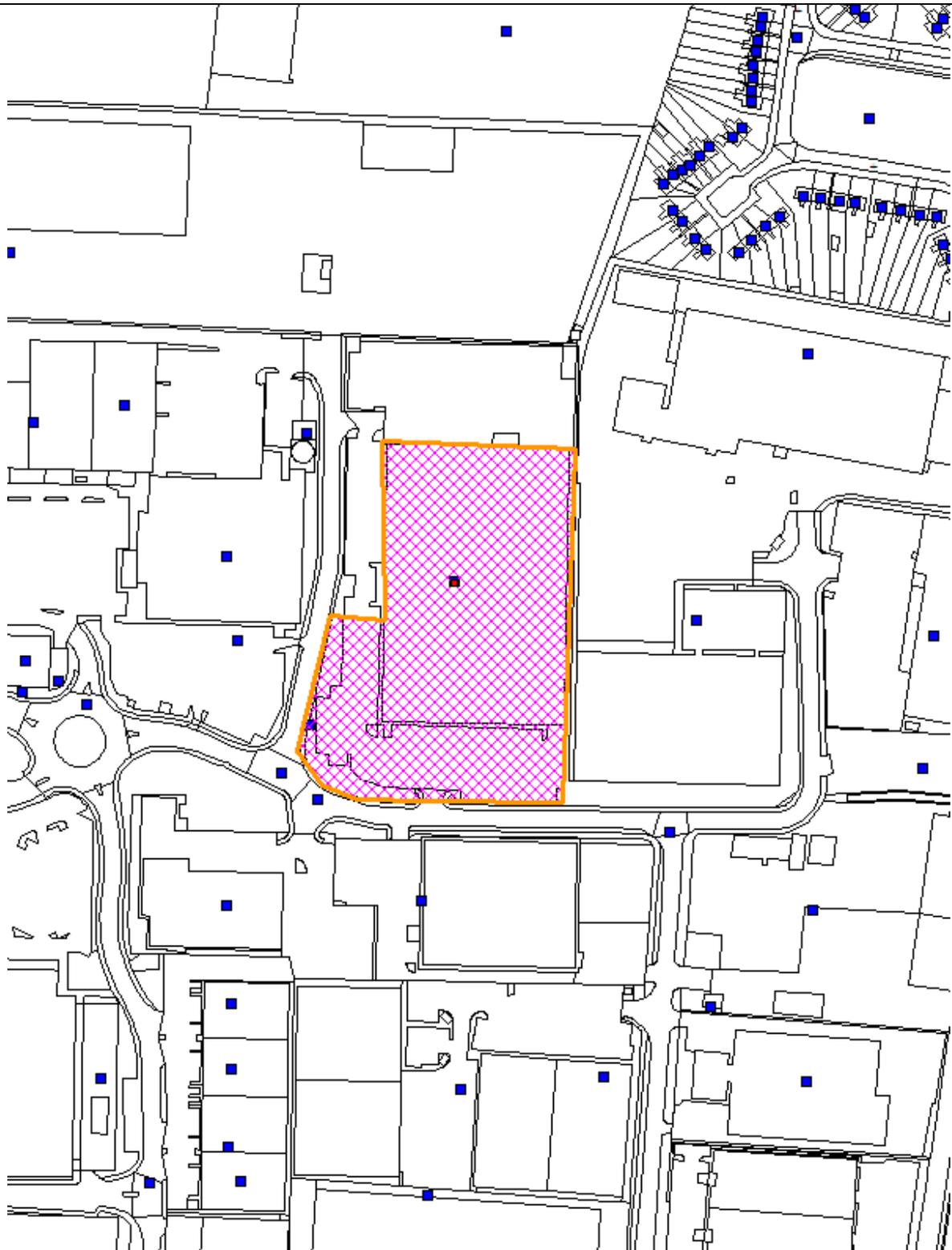
Barclays Nominees (George Yard) Limited C/o
Aberdeen Asset Management PLC
c/o Agent

RECOMMENDATION:

REFUSE to grant planning permission.

Note for Members: This report was previously presented to the Planning Committee on 29th August 2017. At the meeting, Members agreed to defer any further consideration and determination of the planning application pending further information and analysis of the marketing strategy, the demand for industrial land and the Council's inward investment strategy. This additional information has been incorporated into the report for members consideration.

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Scale 1:1250

North



1. Site and Surroundings

- 1.1 The site has an overall area of approximately 1.9 hectares and comprises the former Carcraft outlet with 8,873 sqm of floor area: falling within a Sui Generis use class designation, the premises has display space with ancillary office and retail elements granted under ref: TP/97/1355. It is understood the site has been vacant following the collapse of the Carcraft and its closure in May 2015. The site is bounded to the north by British Car Auctions, to the east by industrial units lining this section of Crown Road, to the south by Crown Road and to the west by Chalkmill Drive and the Enfield Retail Park beyond.
- 1.2 The site is located within a designated Strategic Industrial Location (SIL) as defined by the London Plan, the Local Plan Core Strategy, the Development Management Document and the North East Enfield Area Action Plan. A refined designation of the Great Cambridge Road/ Martinbridge Estate as an Industrial Business Park (IBP) is further identified by the London Plan. The surrounding area is predominantly characterised by industrial uses to the wider SIL and larger scale retail units comprising the Enfield Retail Park.
- 1.3 The site is in close proximity to the A10 (TfL maintained) trunk route to the west of the site and the Southbury Road Principal Route to the south. The Liverpool Street / Hertford East / Cambridge line lays to the east of the SIL. The site has a low / poor PTAL of 2.
- 1.4 The site is within an area of known contaminants including radiation and waste. The site is not within a Conservation Area nor is it a Listed Building.

2. Proposal

- 2.1 The proposal seeks permission for the subdivision of the unit (totalling 8,873 sqm) and part change of use of the unit (labelled as unit 1) to retail (A1 use class totalling 2,774 sqm). The proposed retail unit is to be a Lidl supermarket. The remaining works involve a new shop front, creation of new access/servicing, pedestrian crossing, together with provision of new sub-station, widening of existing crossover, hard and soft landscaping and other associated works.
- 2.2 It is prudent to note that this is a standalone application and relates solely to unit 1 of the site. Unit 2 and unit 3 are being dealt with by a separate application.

3. Relevant Planning History

- 3.1 TP/97/1355: Erection of a unit for car sales, storage and display together with ancillary office and retail, plus external parking spaces – Approved subject to conditions (24/03/98)
- 3.2 17/02208/FUL: Change of use, subdivision and refurbishment of site to create 2 industrial units (Use Class B1/B2/B8) together with alterations to external appearance, creation of new access and servicing, alterations to existing vehicular access /egress, provision of new sub-station, car parking and

associated hard and soft landscaping – Pending consideration (determination date 30.08.2017).

4. Consultation

4.1 Statutory and non-statutory consultees

4.1.1 Sustainable Urban Drainage

An objection is raised. The submitted information does not adhere to the greenfield run off rate and drainage hierarchy in the London Plan and also falls short on other grounds. Whilst the Planning Officer notes these objections, a discussion has confirmed that the detail can be secured by way of a condition should the application be approved.

4.1.2 Environmental Health

No objection. Environmental Health does not object to the application for planning permission as there is unlikely to be a negative environmental impact. In particular there are no concerns regarding air quality or contaminated land. The new use is likely to have various items of plant likely to generate noise such as chiller plant and air conditioning systems. For this reason a mitigating condition is required.

4.1.3 Traffic and Transport

An objection is raised to the scheme based on the reasons for refusal put forward. Full comments and an analysis of these comments from a planning perspective have been provided within the delegated report under the “Traffic and Transport” section. In addition to this, since the scheme was presented at the 29th August 2017 Committee, colleagues in Transport have been in open dialect with the applicants Transport Consultant and have been in a constant review of the revised information. The final revised information was sent on the 25th October 2017 by the Agent based on both the objections of the GLA, TFL and Traffic and Transport at the London Borough of Enfield. Colleagues in Traffic and Transport, along with TFL and the GLA, still concur that the scheme is not satisfactory and detrimental to the safe and free flow of pedestrian, cycle and vehicle movement. The revised objection is reflected within this current Committee Report but also within the reasons for refusal.

4.1.4 Property Development

The marketing of the site is deemed to be insufficient. It merely has a board outside with Co Star and mailshots. There is no presence on the A10 Frontage or local adverts in papers. A joint instruction with Glenny’s or Bowyer’s would have generated local interest.

The Officers have advised that based on their knowledge of the area, if the site was redeveloped with 3 units that will go quicker to smaller operators who are being decanted from other regeneration sites across London. In fact, the Officer

was able to provide details of a tenant who would be interested in letting one of the units and their use is within the B1/B2/B8.

Beyond this, the Officer has been advised that there is demand in the area for such smaller units requesting space of 50,000 to 100,000 sqft of floor space. In May 2017 there were 3 parties actively interested in a floor space of 100,000 sqft and below with another party having found a unit along Mollison Avenue.

4.1.5 The Greater London Authority (GLA)

4.1.5.1 The GLA have reviewed the application and are content with the Borough refusing planning permission. However if, for any reason, the Borough are minded to approve, the GLA would need to take the application to stage 1. Since the presentation of the scheme at the 29th August 2017 Planning Committee, and at the request of the Members, the scheme has been referred to the GLA. On the 9th October 2017 the scheme was presented at the Mayors meeting. A report has since been produced and advises the following regarding the proposal:

4.1.5.2 The Mayor of London considers that the application does not comply with the London Plan. If Enfield Council resolves to grant permission, it must consult the Mayor to allow a decision as to whether to allow the draft decision to proceed unchanged or direct the Council to refuse the application. If the Council resolves to refuse permission it need not to consult the Mayor again.

4.1.5.3 The application does not comply with the London Plan for the following reasons:

Principle of development

The principle of the change of use of part of the warehouse to a retail (Class A1) foodstore is unacceptable and contrary to London Plan Policies 2.17 and 4.4. The change of use would threaten the long-term industrial capacity of the wider SIL.

Climate change and drainage

The energy strategy does not fully accord with London Plan Policies 5.2 and 5.9. The applicant should provide the carbon emissions for each stage of the energy hierarchy as well as further information/ revisions regarding cooling demand, energy efficiency, connection to heating networks, modelling information, renewables, along with S106 obligations for off-site mitigation before the building's performance can be verified.

Transport

The approach to car and cycle parking and pedestrian access should be amended to respond to the Mayor's 'Heathy Streets' approach; local pedestrian and cycle connection improvements should be secured, together with travel plans.

4.1.6 Lichfields

A Retail Impact Assessment and Sequential Testing have been submitted by Montagu Evens. Lichfields were hired by the Council to independently review and analyse the impact by this out of centre retail unit.

4.1.7 Designing Out Crime Office

Objection raised. The scheme has not been designed with secure by design measures.

4.18 Transport for London (TFL)

The following comments were received on the 25th September 2017 and 1st November 2017 in conjunction with consultation with the GLA. TFL have confirmed that the scheme does not comply with the London Plan policies and that the comments raised by TFL concur, and add to, the objections from colleagues in Traffic and Transport. TFL have provided a comprehensive response which has been incorporated within the Committee Report.

4.19 Inward Investment Team at the Borough Council

The Inward Investment Team have the following evidence. Despite almost 1m sqft of new industrial floor space completing over the past 12 months, supply remains the primary issue, with industrial availability rates close to historic lows at 2.6% across the wider Glenny region. North London and Hertfordshire and shows a 3% decline in supply and a 22% increase in demand. Occupiers are still favouring new space and competition for grade A stock is expected to drive the market forward over the next 12 months. In the absence of grade A space, secondary rents have benefitted, rising by 10.0% on average in the industrial sector over the past year.

4.2 **Public**

4.2.1 18 neighbours were notified directly by letter, a site notice was erected and a press notice was advertised. In total 2 letters of objection have been received from:

- 1) Burnett Planning & Development Limited who act on the behalf of Universities Superannuation Scheme (USS) the owners of Enfield Retail Park, Crown Road, Enfield; and
- 2) Sainsbury's Supermarkets Ltd Highway Manager in Property Development.

4.2.2 The objection relates to transport matters. It is prudent to note that the letter of objection from Burnet Planning & Development Limited was accompanied by a Technical Note produced by transport consultants. The objections relate to the

insufficient information submitted and how the submission has great shortfalls which ignore the fundamental issues currently being detail with by the Retail Park.

- 4.2.3 Since the scheme was presented at the 29th August 2017 Planning Committee, the amendments to the scheme made by the applicants Transport Consultant have been reviewed by the neighbouring objectors. Burnett Planning & Development Limited who act on the behalf of Universities Superannuation Scheme (USS) the owners of Enfield Retail Park, Crown Road, Enfield have responded to the amendments on the 2nd October 2017 and the amendments of the 25th October 2017. Burnett Planning & Development Limited have advised on the 8th November 2017 that the amendments still have significant short falls and thus their objection is still in force. Members are advised that colleagues in Traffic and Transport concur with this objection.

5. Relevant Policy

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

5.1.1 The London Plan

Policy 2.6 – Outer London: vision and strategy
Policy 2.7 – Outer London: economy
Policy 2.8 – Outer London: transport
Policy 2.14 – Areas for regeneration
Policy 2.17 – Strategic Industrial Locations
Policy 4.1 – Developing London’s economy
Policy 4.2 – Offices
Policy 4.3 – Mixed use development and offices
Policy 4.4 – Managing industrial land and premises
Policy 4.7 – Retail and town centre development
Policy 5.1 – Climate change mitigation
Policy 5.2 – Minimising carbon dioxide emissions
Policy 5.3 – Sustainable design and construction
Policy 5.5 – Decentralised energy networks
Policy 5.6 – Decentralised energy in development proposals
Policy 5.7 – Renewable energy
Policy 5.9 – Overheating and cooling
Policy 5.10 – Urban greening
Policy 5.11 – Green roofs and development site environs
Policy 5.12 – Flood risk management
Policy 5.13 – Sustainable drainage
Policy 5.15 – Water use and supplies
Policy 5.18 – Construction, excavation and demolition waste
Policy 6.9 – Cycling
Policy 6.10 – Walking
Policy 6.12 – Road network capacity
Policy 6.13 – Parking

Policy 7.1 – Building London’s neighbourhoods and communities
Policy 7.2 – An inclusive environment
Policy 7.3 – Designing out crime
Policy 7.4 – Local character
Policy 7.5 – Public realm
Policy 7.6 – Architecture
Policy 7.15 – Reducing noise and enhancing soundscapes
Policy 7.18 – Protecting local open space and addressing local deficiency
Policy 7.19 – Biodiversity and access to nature

5.1.2 Local Plan - Core Strategy

Strategic Objective 1: Enabling and focusing change
Strategic Objective 2: Environmental sustainability
Strategic Objective 6: Maximising economic potential
Strategic Objective 7: Employment and skills
Strategic Objective 8: Transportation and accessibility
Strategic Objective 10: Built environment
Core Policy 13: Promoting economic prosperity
Core Policy 14: Safeguarding strategic industrial locations
Core Policy 15: Locally significant industrial sites
Core Policy 16: Taking part in economic success and improving skills
Core Policy 18: Delivering shopping provision across Enfield
Core Policy 20: Sustainable energy use and energy infrastructure
Core Policy 24: The road network
Core Policy 25: Pedestrians and cyclists
Core Policy 26: Public transport
Core Policy 27: Freight
Core Policy 28: Managing flood risk through development
Core Policy 29: Flood management infrastructure
Core Policy 30: Maintaining and improving the quality of the built and open environment
Core Policy 31: Built and landscape heritage
Core Policy 32: Pollution
Core Policy 36: Biodiversity
Core Policy 40: North East Enfield
Core Policy 46: Infrastructure contributions

5.1.3 Development Management Document

DMD19: Strategic Industrial Locations
DMD20: Locally Significant Industrial Sites
DMD21: Complementary and Supporting Uses within SIL and LSIS
DMD22: Loss of Employment Outside of Designated Area
DMD23: New Employment Development
DMD24: Small Businesses
DMD25: Locations for New Retail, Leisure and Office Development
DMD37: Achieving High Quality and Design-Led Development
DMD38: Design Process

DMD39: Design of Business Premises
DMD45: Parking Standards and Layout
DMD46: Vehicle Crossover and Dropped Kerbs
DMD47: New Road, Access and Servicing
DMD48: Transport Assessments
DMD49: Sustainable Design and Construction Statements
DMD50: Environmental Assessments Method
DMD51: Energy Efficiency Standards
DMD52: Decentralised Energy Networks
DMD53: Low and Zero Carbon Technology
DMD54: Allowable Solutions
DMD55: Use of Roof space/ Vertical Surfaces
DMD56: Heating and Cooling
DMD57: Responsible Sourcing of Materials, Waste Minimisation and Green Procurement
DMD58: Water Efficiency
DMD59: Avoiding and Reducing Flood Risk
DMD61: Managing Surface Water
DMD68: Noise
DMD69: Light Pollution
DMD79: Ecological Enhancements
DMD80: Trees on development sites
DMD81: Landscaping

5.1.4 Other Material Considerations

National Planning Practice Guidance
National Planning Policy Framework
S106 SPD
North East Enfield Area Action Plan
Employment Land Review

6. Analysis

6.1 The main issues to consider are as follows:

- The principle of the use proposed within a Strategic Industrial Location;
- The sequential impact of a retail use to the area;
- The appearance of the premises arising from the altered frontage;
- Traffic and transport implications;
- Residential implications;
- Section 106; and
- Sustainability.

6.2 Principle of development

6.2.1 The site is within a designated Strategic Industrial Location (SIL), as defined with the adopted Core Strategy (2010), the Development Management Document (2014), the North East Enfield Area Action Plan (2016) and the London Plan

(2016). Through the adoption of the Local Plan and more recently the NEEAAP (2016), the boundaries of the SIL have been clearly defined and firmly fixed.

- 6.2.2 Policy CP14 and DMD19 seeks to safeguard SIL to accommodate a range of industrial uses (defined as B1, B2 & B8 under the Use Classes Order) that meet the demand and needs of modern industry and businesses while also maximising employment opportunities. In this regard, the Policy adopts a predisposition to resist changes of use outside of these specified industrial use classes in order to retain, preserve and enhance the industrial function of the area and consequently maintain an adequate mix of employment uses.
- 6.2.3 The proposed retail use equates to A1 and is outside the range of these accepted uses. As such it represents a departure to the policies in the adopted local plan and against a background of robust demand for industrial land, it is for the applicant to demonstrate the unit does not contribute to the industrial character of the estate (i.e. in an alternative and lawful use), the site is not suitable for a SIL appropriate use and that it is either no longer required, or indeed, is not fit for purpose. With reference to the robust demand for industrial land that continues to exist, it is considered that such arguments cannot be substantiated in this case. Moreover, the site is located in Cluster C8 of the Employment Land Review, which includes the northern part of the Great Cambridge Road and Martinbridge Estate. It states that the premises in C8 are in good or very good condition and that it functions well overall.
- 6.2.4 Policy 6.2 of the North East Enfield Area Action Plan (NEEAAP) goes further in identifying the Great Cambridge Road / Martinbridge Estate SIL as being Enfield's largest employment area outside of the Lee Valley OAPF boundary and the only estate within NEEAAP designated as an Industrial Business Park (IBP). IBP's are defined in the London Plan as being SIL which are appropriate for firms that need high quality environments and include activities such as research and development (B1b), light industrial (B1c) and high value-added general industrial (B2). Proposals falling within the IBP will need to demonstrate compliance with the relevant London Plan and Enfield's Local Plan policies.
- 6.2.5 Within this context, adopted policy indicates other uses will only be permitted in accordance with specific policies within the NEEAAP, or where they would be ancillary and complementary to the overall operation of the IBP. Redevelopment of existing buildings or new development is required to support the Estate's role in providing high quality surroundings by:
- encouraging high quality employment uses that fit with its role as an Industrial Business Park (IBP);
 - creating positive frontages onto the public realm, particularly along Baird Road and Crown Road;
 - improving the gateways to the Estate along Southbury Road and Lincoln Road;
 - creating a high quality public realm to a consistent standard across the Estate, reflecting the high quality of recent development in the south of the Estate;

- reconfiguring car parking to provide efficient layouts that direct car users away from parking on street;
 - improving circulation on internal estate roads, particularly for large vehicles; and
 - ensuring that any trade counter uses supports the overall function and quality of the IBP.
- 6.2.6 Examples of suitable development for IBP locations include high technology uses, IT and data facilities, flexible modern business space, high quality office renewal, meeting spaces and conferencing facilities. Notwithstanding this, it is acknowledged that there has been some interest in trade counters in this location and within a balanced approach, this type of use has been previously supported in the right circumstances where they can be shown to have positive effects on employment generation, allow for easy conversion to business space in the future, result in strong physical improvements to the location and do not detract from the functioning of the IBP. Furthermore, it is considered that showroom areas for such uses should be limited to no more than 10% of the gross internal floor space in line with DMD Policy 21 and should not represent a significant element of the proposed use as would be the case for general retail use.
- 6.2.7 The Development Management Document acknowledges that ‘[t]here are some instances where there are quasi-retail uses located in industrial areas, such as car showrooms, tyre and exhaust centres, builders merchants and similar uses that are unsuitable in town centre locations due to their scale and characteristics.’ However, it also recognises that such uses have ‘traditionally located in industrial areas, which often causes conflict between heavy goods vehicles and general traffic. In this respect, it is considered these uses are only appropriate in certain circumstances and are more appropriately located on the main road frontages of existing industrial areas.’
- 6.2.8 It is clear that the provision of a proposed retail unit on this site would fall outside of these definitions of appropriate uses within the SIL and IBP. As a result, there is an objection in principle to the loss of industrial land / capacity supported by the GLA. It is also of note that is no sufficient justification to outweigh the clear and strong policy position regarding the safeguarding of strategic industrial land. This is an important consideration and needs to be given significant weight given the need to retain remaining industrial land to support local employment, if planned residential growth is to be supported elsewhere in the Borough.
- 6.2.9 A justification has been put forward in the submitted planning statement by the Applicant as to why the departure from the adopted Local Plan for the inappropriate change of use would be acceptable and they key points are rebutted below.

Existing use of the site

- 6.2.10 While the existing Sui Generis use of the site is noted, this would remain a compatible use within the SIL as opposed to the proposed retail use and hence offers little weight in justifying the loss of an appropriate use for a use that is not compatible in the SIL.

Subsidising the remaining 2 units

- 6.2.11 It is purported that the proposed A1 unit would subsidise the remaining retrofitting of the 2 units (which do not form part of this application). There is no linkage between this application and that for the other two units nor is it clear why the subdivision of the remainder is not viable in its own right. While it is noted one of the units could be operated by the Royal Free Hospital Trust for support services, there is no commercial necessity and the applications are distinct. It is unclear as to why this would be deemed as a material consideration to override planning policy and the status of the proposed use as a departure to adopted policy.

Industry in the Borough

- 6.2.12 During the period of 2011-2026, the Employment Land Review of 2012 indicates there should be no net loss of industrial land in Enfield. An increase in demand for warehousing land offsets a loss in traditional production space. As such, it is essential that the Great Cambridge Road and Martinbridge Trading Estate is retained for industrial use and that there is no loss of industrial activity, especially since the study notes that the estate is the Borough's main employment area away from the Lee Valley, extending to 40ha.
- 6.2.13 In regards to industrial land borough-wide, the net absorption of industrial floor space has been generally positive from 2009 to 2016 at 23,200 sqm. From a property perspective, vacancy among industrial premises is low at 4.7% (lower than levels judged suitable to facilitate optimal operation of the market), vacant land churn is strong and rental values are buoyant. This points towards supply being in a healthy state.
- 6.2.14 In addition to this, the recent GLA Industrial Land Demand Study of 2017 further supports the borough's policy position. Since the previous GLA 2011 Industrial Land Benchmark study, industrial land in London has been released at a much faster rate than the benchmark guidance. Hence, this implies that much tighter policy is needed if industrial land releases are to be restricted to the Benchmark targets. Evidence suggests that there will be positive net demand for industry and warehousing in Enfield over the period 2016–2041, reflecting the Borough's strategic advantages for these functions. The baseline net demand for industrial land in Enfield is 41.7 ha, which denotes that the categorisation that the borough has received is 'Provide Capacity'. Hence, it advocates that Enfield should seek to accommodate that demand whilst also picking up reallocated industrial activity from other neighbouring authorities within the Lee Valley that have surplus of industrial land to release, such as Haringey.
- 6.2.15 Consequently, it can be concluded that the proposed loss of industrial floor space as a result of the proposed change of use to retail would conflict with both local and regional policy, given its designation, as the Great Cambridge and Martinbridge Estate is recommended for retention on the basis of its characteristics and suitability for industrial uses. As previously mentioned, this stance is supported by the GLA in their comments on this application. The loss

of the unit to become A1 goes against the fundamental evidence collected by both the Borough Council and the GLA.

Marketing

- 6.2.16 It has been stated that the unit has remained vacant since May 2015 and this will provide an opportunity to develop the whole site. The adopted Development Management Document (2014) Appendix 13 states that for sites within a SIL, the Council require the site, building or premises to be continuously marketed for at least 24 months. CBRE were instructed to market this premises as a single unit in July 2015. CBRE are of the opinion that the premises has been on the market far longer than one would expect a warehouse in a location such as Enfield. Nevertheless, given the importance of safeguarding future industrial, land availability and providing certainty in the long term, the marketing of the site is deemed to be unacceptable and not of sufficient robustness to justify any departure from the Council's local plan. It is also noted that the marketing information shows there was interest in the premises even if it did not reach a successful conclusion.
- 6.2.17 This is because the marketing strategy for this premises has primarily relied merely on boards outside with Co Star and mailshots. There is no presence on the A10 Frontage or local adverts in papers. It is not disputed that efforts have been made to market the site, which also include the production of marketing particulars and an information pack for online advertising. However, it is considered these efforts are not sufficient and do not adhere to the requirements of Appendix 13 in the DMD which stipulates what the Council would expect to see submitted regarding marketing demand. In addition, the fact that the proposed development considers subdivision of the unit to provide smaller units also points to the fact that the free holder could look at this as an option for smaller units that would be more marketable in this SIL. In fact, Appendix 13 of the DMD (2014) states that marketing attempts should be specific to the site or premises in question and should demonstrate that the approach is flexible. Marketing attempts should include the option to sub divide the building. It is considered that the marketing of the site has not been sufficiently advertised that would mean the unit would be attractive to potential leaseholders.

Location

- 6.2.18 The presence of the Enfield Retail Park to the west of the site, is also considered to be of little weight when assessing acceptability particularly given its historical context and the perceived harm unfettered expansion of this area would have to the employment and industrial base of the wider estate. Furthermore, the adoption of the SIL boundary was specifically driven by a desire to contain the retail offer and prevent further expansion of the park into a vital employment area for the borough. The provision of a retail unit to the location would potentially serve to hinder the function, operation and vitality of the SIL and its IBP offer which is already hindered in terms of traffic movements and a further encroachment would make matters worse. It is considered any acceptance of this non complaint proposal would set a dangerous precedent and although precedent in itself is not sufficient to justify refusal, the policy context is given the loss of designated Strategic Industrial land and emerging evidence of continued demand for industrial land across London.

Employment

- 6.2.19 The employment offer of a retail unit is generally noted, but again not a strong argument in favour of losing SIL, particularly given the quantified employment offer generated by an appropriate IBP use to the site.

Visual amenity

- 6.2.20 The argument that the proposal would improve the visual amenities in the area has been put forward to justify the A1 use. This justification appears completely irrelevant given that an appropriate use in the designated area can also provide these benefits.

Overall

- 6.2.21 Based on the assessment above, the principle of retail provision on the SIL site is not acceptable. The justifications put forward by the applicant are deemed to be of little material weight particularly given the evidence the regarding industrial land within the Borough undertaken locally and regionally. The proposal would therefore be contrary to Strategic Objective 7, Policies CP14 and CP40 of the Core Strategy (2010), DMD19 of the Development Management Document (2014), Policy 6.2 of the NEEAAP (2016), Policies 2.17 and 4.4 of the London Plan (2016) and the NPPF.

6.3 Retail Use

- 6.3.1 The proposed retail unit must be justified in accordance with the provisions of DMD25 of the Development Management Document. The Policy states that new retail units that comprise main and bulk convenience, comparison shopping, food and drink uses and major leisure and office development are permitted where:
- i. New development is located within Enfield Town and the borough's four district centres.
 - ii. In accordance with the sequential test if no sites are suitable or available within the town centres listed in part i. of this policy for the development proposed, then retail development at edge of centre locations that are accessible and well connected to and up to 300 metres from the primary shopping area will be permitted.
 - iii. New development within the boundary of the Council's existing retail parks of Enfield retail park, De Manderville Gate, Ravenside and Angel Road (as defined in the Core Strategy and on the Policies Map) and outside of the town centres will only be permitted if the applicant can demonstrate to the Council's satisfaction that a sequential test has been applied which shows no suitable sites available within or on the edge of the town centres detailed in part i. of this policy. Furthermore, a retail impact assessment should demonstrate that the development is not likely to have a negative impact to the viability and vitality of Enfield's centres or planned investment in centres and that the development increases the overall sustainability and accessibility of the retail park in question.

- iv. Proposals for leisure development in Picketts Lock will be permitted if a sequential test has been applied to demonstrate the location is the most appropriate for the proposed use.
 - v. Retail, leisure and office development may also be considered within the Area Action Plans through identified sites.
- 6.3.2 The total gross new internal A1 floor space proposed is 2,774 sqm. Given its SIL location and despite its proximity to Enfield Retail Park, the unit is considered out-of-centre in retail planning terms. Hence, it was requested that the application be submitted with a Retail Impact Assessment and apply the Sequential Test. These documents were submitted. Litchfield were employed by the Council to independently critique the submission. It was found that the submission was very broad and consequently an analysis by Litchfield's was required to be undertaken and this encompassed a wider Borough Retail Study.
- 6.3.3 The conclusion of the Sequential Approach was that opportunities in Enfield Town, Enfield Wash and Edmonton Green could be considered to be unsuitable due to the presence of Lidl stores in these centres. Ponders End or Enfield Highway are the most likely designated centres where the store could theoretically be accommodated. Even allowing for amalgamation, vacant shop units within designated centres are too small to accommodate the proposed food store at this size. Emerging developments in Ponders End and Enfield Highway do not appear to provide an opportunity to include a food store similar of the size proposed. In this regard, the sequential test has been satisfied.
- 6.3.4 The conclusion of the Retail Impact study was that impact on Enfield Town, Edmonton Green, Ponders End, Enfield Highway and Enfield Wash have been considered. It was found that food stores are on average trading 13% above the national average and appear to be trading healthily. Trade diversion and impact on food stores and centres will be offset by population/expenditure growth between 2017 and 2020. Food stores will continue to trade satisfactorily. No stores are expected to close or experience trading difficulties. The impact on small convenience shops in centres is expected to be very low (1% or less) and shop closures are not envisaged. Impact on all centres is expected to be insignificant and will not harm the vitality and viability of any centre should the supermarket open in this location. Beyond this, it was concluded that should the Council grant permission, then the maximum amount of sales area should be no more than 1,690 sqm (including check out areas). Anything above this would require a higher net sales area which the applicant did not test for, and thus Lichfields also did not test for.
- 6.3.5 The independent review demonstrates that the creation of a Lidl store in this out of centre location would not have a detrimental impact upon the existing centres within the Borough in terms of their vitality and viability of the centres. Given the independent analysis, it is concluded an objection cannot be justified under policy DMD 25.

6.4 Character and appearance

- 6.4.1 DMD 39, which relates to the design of business premises, is the most relevant policy to assess the rear element of the scheme. This policy describes how business premises should be designed and how proposals should appear when viewed from the surroundings. Proposals are required to respect the grain and character of the surrounding area, character and visual interest. DMD 40 is the most relevant policy in assessing ground floor frontages. Ground floor frontages are required to maintain visual interest within the street and the frontages need to respect the rhythm, style and proportions of the building they form part of.
- 6.4.2 The existing building cannot be described as a particularly attractive building. The works to be undertaken to the building are relatively modest and would not be intrusive to the design of the existing building. Whilst it is regrettable that more significant works will not be undertaken to the external façade of the building, it would not warrant a reason for refusal in this regard. The materials proposed to be used in particular the cladding and fenestration detailing are typical of Lidl's branding. Overall, no objection is raised in this regard.
- 6.4.3 Details of trolley bays, the substation and the cycle storage have not been advanced, however, such details can be secured by way of a condition.
- 6.4.4 Although attempts have been made to break up the existing hard standing with landscaping, it would have been preferable to see a more comprehensive and worked up scheme submitted. However, such details can be secured by way of a condition. It is also noted that the means of enclosure is to be altered and the site will now be surrounded by a timber knee rail. This will add a softer environment within the street scene and will allow planting behind this feature to further assimilate this in the built environment.
- 6.4.5 Overall, no objection is raised to impact of the proposal on the character and appearance of the area subject to conditions

6.5 Traffic and Transport

Pedestrians & cycle access

- 6.5.1 DMD 47 recognises the importance of all layouts achieving safe, convenient and fully accessible environment for pedestrians and cyclists. Having regard to its out of town/centre location within the Retail park, it is considered that the scheme is designed to be as much pedestrian friendly as possible. There are two pedestrian routes shown between the site and entrance onto the public footways. One, measuring 2.4m in width from Crown Road and one from Chalkmill Drive, measuring 3m. Access for cyclists will be shared with motorised traffic.
- 6.5.2 The full submission by undertaking CERS and PERS audits identified the safest and most convenient route for pedestrian and cyclists. A few areas requiring improvements were identified between the site, the nearest bus stops and

Southbury BR Station. A contribution under s106 should be secured to secure some of the works. Lighting proposals for the access routes have been provided and are acceptable. The proposed zebra crossing facility in Chalkmill Drive should be installed as part of Section 106 UU. The scheme complies with the DMD 47 and London Plan Policy 6.10 and thus no objection is raised regarding pedestrian and cycle access subject to securing works through a Section 106 UU.

- 6.5.3 A contribution via S106 for a sum of £18,031 is sought to improve pedestrian and cycling facilities in the area, as identified by CERS and PERS audits and as part of the Cycle Enfield proposals in the vicinity of the Retail Park.

Vehicular Access

- 6.5.4 A separate in and out access is proposed from Crown Road, which is an improvement to the previous proposals showing only one access. The footway and carriageway visibility appear to meet the Manual for Streets standards. Parking restrictions in the form of double yellow lines already apply in the vicinity of the site at the junction with Crown Road and Chalkmill Drive. The works to the accesses should be secured as part of s278 agreement. The access should be in the form of raised tables to ensure pedestrian priority on public footway. The scheme complies with Policy DMD 47 and thus no objection is raised regarding vehicular access.

Cycle parking

- 6.5.5 The provision meets the standards set out in table 6.3 of the London Plan 2016 which requires a total of 42 spaces. Cycle parking is now better placed in terms of access and security. Short-stay (customer) parking is now located very close to the entrance to the store and staff parking now forms part of the building itself. The access doors to the store comply with the 1.2m width. Cycle parking is acceptable and compliant with the LDCS standards. However, a condition should be attached to secure the manufacturer's specification of the proposed cycle parking. Long stay cycle parking must be lockable (ideally by an access fob or a mortice lock) and lit. The scheme complies with the DMD 47 and London Plan Policy 6.9 with regards to cycle parking provision.

Trip generation assessment and highway impact

- 6.5.6 The tables below summarise the number of vehicle movements forecast in the Transport Assessment (TA) and Highway Addendum to be generated by the proposed development. The AM and PM peak times are: 8-9am and 6-7pm on weekdays and 11-12 on Saturdays.

Table 1: Foodstore Mode Splits

Mode	TRICS Mode Split	Mode	Extrapolated Mode Split
Single Vehicle Occupants	22%	Car Trips	51%
Multi Vehicle Occupants	57%		
Cyclists	1%	Cyclists	3%
Pedestrians	16%	Pedestrians	38%
Bus	3%	Bus	8%
Total	100%	Total	100%

Table 2: Total Person Two Way Trips

Mode	Total Two Way Trips		
	AM Peak	PM Peak	Saturday Peak
Car Trips	144	222	288
Cyclists	9	14	18
Pedestrians	108	167	216
Bus	23	36	46
Total	284	438	568

- 6.5.7 One of the main concerns is the total traffic generated by the new supermarket. The TA makes an attempt at predicting the traffic generated from the site by using surveys conducted on Friday (between 7:00-22:00pm) and Saturday (between 8:00-21:00pm) in 2013 and 2015 for three Lidl supermarkets located in Tooting, Wallington and Cricklewood. No information was included for the selected sites used in the assessment and their relevance to the proposed development site clearly stated, which is contrary to para 7.11 of the TfL's Transport Assessment Best Practice Guidance. The peak hour traffic comparison between the sites selected has not been undertaken. It is therefore unclear if the site's peak times coincide with the network peak times and analyse the worst case scenario. Moreover, the data provided within the Transport Assessment does not include any details of the sites selected (number of parking spaces, opening hours etc). Therefore, it cannot be determined whether the sites selected are comparable to the proposed development or whether any further sensitivity testing would have been necessary.
- 6.5.8 The expected number of non-motorised trips has been calculated using only one site in Hillingdon, without the full details of the site (parking provision, exact location, etc.). The proposed ratio of pedestrian traffic versus motorised traffic seems to be very high (38%) and is not correctly reflective of the site's location characteristics (i.e. away from town centre/high street, where passer-by pedestrian trips tend to be much higher.).

- 6.5.9 Also, the trip calculations are based on the 1690sqm store's sales floor area not the GFA (gross floor area- normally applied as part of TA). There is no information on how the 1600 sales area has been derived from the proposed 2477 sqm GFA.
- 6.5.10 In addition, TFL's Transport Assessment Best Practice Guidance under para 7.10 states that it may be appropriate where trip generation data is taken from sites or areas where there is not strict comparability with the application site, for sensitivity tests to be carried out. TfL should be consulted if there are any doubts that trip assumptions are directly applicable. No such sensitivity tests have been carried out.
- 6.5.11 Thus, the scheme underestimates its impact on the local transport network and its material impact on the capacity of the junctions affected. Therefore, for the reasons stated above, the proposed traffic generation and highway impact study is not acceptable. The proposal is therefore contrary to Policy 6.3 (Assessing effects of development on Transport capacity) of the London Plan, Core Strategy Policy 24 (The road network) and DMD Policy 48 (Transport Assessments).

Junction Modelling

- 6.5.12 As outlined in previous correspondence, Table 7.6 of the original Vectos Transport Assessment sets out that when development traffic is added during a Saturday Peak there are three approach arms that exceed an RFC of 1.0 and two which are close to this level resulting in a queue of 27 vehicles on the Enfield Retail Park approach arm. Although it is appreciated within Table 7.5 that if the car showroom / supermarket were to be re-introduced there would still be two approach arms above an RFC of 1.0 during a Saturday Peak, the queue on the Enfield Retail Park Approach arm still increases from 15 vehicles to 27 vehicles with development.
- 6.5.13 To demonstrate the impact this would have, an industry accepted 5.75 metres has been applied to each of the vehicles resulting in a queue in length of just over 155 metres. When this length of queue is applied to the Enfield Retail Park egress lane, (assuming that no vehicles queue in the north / south aisles) the queue would reach the Nando's Restaurant. This would block a number of the north / south aisles which run across the retail park, with adverse consequences for shoppers endeavouring to enter the car park as well.
- 6.5.14 Further to this a more detailed review of the modelling outputs, (as presented in Appendix K of the Vectos Transport Assessment) show that vehicles on this approach would experience delays of 202 seconds which alongside the queue length outlined above is deemed to be unacceptable.
- 6.5.15 Looking at the wider area there is also a large increase in queuing on the Crown Road West approach arm which goes from a queue of 9 in the existing situation

to 20 in the with development scenario and from 14 in the Future Baseline scenario to 20 in the with development scenario, (all during a Saturday Peak). Further to this in the same scenario the Crown Road East approach reaches a queue of 20 vehicles which will extend past Chalkmill Drive and therefore affect customers / HGV servicing vehicles exiting Enfield Retail Park via this route. This queue is also at a length that will restrict the access / egress for the proposed supermarket. This will lead to an increase in the time it takes for vehicles to access / egress this area in general.

- 6.5.16 Furthermore, the original Transport Assessment sets out that modelled queues were calibrated against the queue surveys, although there are no tables demonstrating this comparison within the Transport Assessment. This, alongside the fact that the revised surveys do not survey queues around the Enfield Retail park access roundabout, raises concerns over the impact that the development would have on the operation of the junction of Crown Road / A10 Great Cambridge Road. The scheme is contrary to the DMD 48 and London Plan Policy 6.3 and thus an objection is raised in this regard.

Car Parking provision

- 6.5.17 The level of car parking provision has been lowered to a total of 110 car parking spaces. This equates to an overall provision of one space per 25m². The provision falls within the lower threshold of the London Plan parking standards for this land use, which are one space per 25-18m² GIA. The TA however fails to undertake a parking accumulation study to demonstrate that the proposed level of parking will meet the predicted demand. The details of the electric charging points provision (20% plus a further 10% passive supply) should be secured by a planning condition. Seven wheelchair accessible spaces are proposed, which meets the London Plan requirement. 6 parking spaces are shown for motorbikes, which complies with paragraph 6A.6 of the London Plan. The scheme is contrary to the DMD 45, 47 and London Plan Policy 6.13 and cannot be supported.

Road Safety

- 6.5.18 The Transport Assessment only includes a simple review of Personal Injury Accidents that occurred within the most recent 5 year period for the study area. It does not contain the requested full accident assessment, which calculates if the level of accidents occurring at each of the junctions falls within the norm and if any mitigation measures may be necessary. Particularly as the total number of trips on the network will increase and the existing access and layout will change. The scheme is contrary to the DMD 48 and London Plan Policy 6.3 and cannot be supported.

Servicing and deliveries

6.5.19 According to the proposals, the deliveries will take place within the site from an internal loading bay. This has been supported by a swept path plan showing an 16.5m long articulated vehicle accessing, turning and exiting the site. A draft Delivery and Servicing Management Plan has been submitted. 3 deliveries per day are anticipated. A planning condition should be secured limiting delivery and servicing times so that they do not coincide with the store's opening hours. Subject to securing the planning condition, the proposed servicing arrangement is acceptable.

Travel Plan

6.5.20 A draft Travel Plan has been submitted. This is however ambiguous in commitments and for that reason a full Travel Plan should be secured under s106 agreement together with the TP's monitoring fee.

Overall

6.5.21 An objection is raised on three grounds, and these have been demonstrated within the three separate reasons for refusal. Colleagues in the Traffic and Transport Department have raised an objection, colleagues at TFL have raised an objection and the USS, the owners of Enfield Retail Park, have raised an objection through their Transport Consultant/Planning Consultant.

6.6 Residential amenity

6.6.1 The estate is an established industrial/employment location which is adequately located away from sensitive land uses, including residential properties. The existing building is well embedded within the industrial site with other industrial units and intervening highways providing a separation from residential units. It is therefore considered that the proposed change of use and associated plant works would not be detrimental to amenities of the occupiers of residential properties. Additionally, Environmental Health have raised no objections in regards to noise disturbance, air quality or land contamination.

6.7 Section 106 (Section 106)

6.7.1 Beyond the Traffic and Transport requirements for Section 106, there is a requirement for Employment and Skills Strategy in accordance with the Section 106 SPD (2016). The Council is committed to maximising the number and variety of jobs and apprenticeships available to residents of the borough and maintaining and encouraging the widest possible range of economic activity, including the availability of a skilled labour force. To this end, the Council will seek agreement with developers to secure appropriate planning obligations for employment and training initiatives as part of development proposals. The Council is committed to maximising the number and variety of jobs and apprenticeships available to residents of the borough and maintaining and encouraging the widest possible range of economic activity, including the availability of a skilled labour

force. To this end, the Council will seek agreement with developers to secure appropriate planning obligations for employment and training initiatives as part of development proposals. As the scheme was being refused this has not been secured and would warrant a reason for refusal.

6.8 Sustainability

6.8.1 The scheme falls short on sustainable urban drainage measures, however, it is considered that the short falls can be overcome through a condition. Whilst this is not best practice, the insufficient information does not warrant a reason for refusal. In addition, insufficient evidence has been submitted regarding CO2 reductions, information regarding cooling demand, energy efficiency, connection to heating networks, modelling information and renewables. Whilst this is not best practice, the insufficient information does not warrant a reason for refusal and details can be secured by way of a condition to adhere to the policies of the Development Management Document (2014).

6.8.2 There are no significant tree or biodiversity constraints on the site. However, the site is within a ground water zone. The Environment Agency have confirmed that for sites that have a lower vulnerability regarding ground water, they issue a standard letter which basically says there is a risk to groundwater due to the location and they would expect the applicant to ensure they have followed the correct guidance in line with the NPPF requirements. As this is such a site, the onus is on the applicant to develop the site in line with the NPPF requirements regarding ground water.

6.8.3 An Energy Report has been submitted which demonstrates that the development has gone some way in achieving CO2 reductions, water efficiency measures and BREEAM ratings. However, these measures have not been fully secured. This however would not warrant a sound reason for refusal as such works can be secured by way of a condition.

6.9 Community Infrastructure Levy (CIL)

6.9.1 As of 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. If the scheme was being approved it would not be Mayor CIL liable as it has been in a continuous lawful use for 6 months within the 3 year period prior to planning permission and does not involve an extension.

6.9.2 As of 1st April 2016 Enfield has been charging CIL. With regards to A1, A2, A3, A4 and A5 units, there is a borough wide rate of £60 per square metre. If the scheme was being approved it would not be Enfield CIL liable as it has been in a continuous lawful use for 6 months within the 3 year period prior to planning permission and does not involve an extension.

7.0 Conclusion

- 7.1 The proposed retail use is not consistent with the IBP designation of the Great Cambridge and Martinbridge Estate, as identified on the Local Policies Map, and thus the principle of development is not acceptable. In addition to this, the proposed change of use would cause traffic and transport implications to the detriment of the safe and free flow of the highway. In this regard, proposal would be contrary to the North East Enfield Area Action Plan (2016), Policies 2.17, 6.2, 6.3, 6.9, 6.10 and 6.13 of the London Plan (2016), Policies 19, 37, 45, 47 and 48 of the Development Management Document (2014), Policies 14, 24 and 25 of the Core Strategy (2010) and evidence contained within the Employment Land Review.

8.0 Recommendation

- 8.1 That planning permission be REFUSED for the following reasons:
1. The proposed change of use to retail (A1) would result in the loss of industrial floor space within the Great Cambridge and Martinbridge Estate Strategic Industrial Location (SIL), compromising the primary function and operating conditions of other remaining industrial uses and the potential future use of neighbouring sites for industrial uses. The proposal would therefore be contrary to the aims and objectives outlined within the National Planning Policy Framework 2012, Policy 2.17 and 4.4 of the London Plan 2016, Policy CP14 of the Enfield Core Strategy 2010, Policy DMD19 of the Enfield Development Management Document 2014, Policy 6.2 of the North East Enfield Area Action Plan 2016 and the Enfield Employment Land Review (2012).
 2. The proposal will result in a negative impact on the surrounding road network leading to conditions prejudicial to the free flow and safety of traffic on the adjoining highways and would have detrimental effect on operation and performance of the Enfield Retail Park's road network and businesses. As such the proposals are contrary to Policy 6.3 of the London Plan 2016, and Policies DMD37, DMD47 and DMD48 of the Enfield Development Management Document 2014.
 3. The proposal, due to lack of mitigation measures regarding the predicted traffic impact combined with an increase in vehicular and pedestrian movements, would have a negative impact on highway conditions and the free flow of traffic on the surrounding roads. The proposal is therefore contrary to the principles and strategic objectives of Policy 6.3 of the London Plan 2016, Policies CP24 and CP25 of the Enfield Core Strategy 2010, and Policies, DMD47 and DMD48 of the Enfield Development Management Document 2014.

4. The proposal fails to fully consider and address the proposed level of car parking on site, resulting in the likelihood of indiscriminate parking on the surrounding roads as well as limiting parking availability for the local businesses in the Retail Park. The proposal is therefore contrary to the principles and strategic objectives of Policy 6.13 of The London Plan 2016 and Policy 45 of the Enfield Development Management Document 2014.

5. Without a Section 106 mechanism to secure the necessary contributions towards highway improvements and implementation of the Employment Skills Strategy the proposed development is contrary to aims and objectives of the National Planning Policy Framework 2012, Policy 8.2 of the London Plan, Policies CP16, CP24 and CP46 of the Enfield Core Strategy 2010 and the Enfield s106 Supplementary Planning Document 2016.