

28 January 2016

41 Picketts Lock Lane, Edmonton

in the London Borough of Enfield

planning application no. P14 – 01733PLA

Strategic planning application stage II referral

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

The proposal

The application is for the change of use from a builders merchant and tool hire for trade and retail to a bus depot (sui generis) for the parking and operation of up to 107 buses. The proposal also includes the refurbishment of existing office building, a new staff mess room, the erection of new plant and machinery, and the provision of a two metre high acoustic fence along part of the eastern boundary of the site.

The applicant

The applicant is **Tower Transit Operations Ltd** and the agent is **JC Planning Consultants**. The architect is **Janus Architecture**.

Strategic issues

The redevelopment of the site to deliver a **bus depot** is in accordance with strategic policy objectives. Outstanding strategic planning issues relating to **transport** have been satisfactorily addressed.

The Council's decision

In this instance Enfield Council has resolved to grant permission.

Recommendation

That Enfield Council be advised that the Mayor is content for it to determine the case itself, subject to any action that the Secretary of State may take, and does not therefore wish to direct refusal.

Context

1 On 18 July 2014, the Mayor of London received documents from Enfield Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. This was referred to the Mayor under Category 2C of the Schedule to the Order 2008:

Category 2C

Development for a use which includes the keeping and storage of buses or coaches where it is proposed to store 70 or more buses or coaches or buses and coaches."

2 On 6 August 2014, the Mayor considered planning report D&P/3458/01, and subsequently advised Enfield Council that the application complied with the London Plan but that account should be taken of the comments made in the transport section of that report. The Council was also advised to refer the application back to the Mayor.

3 A copy of the above-mentioned report is attached. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report. On 4 February 2015, Enfield Council followed the Council officers' recommendations to approve the scheme and resolved to grant planning permission for the application. On 14 August 2015, the Council advised the Mayor of this decision. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008 the Mayor may allow the draft decision to proceed unchanged, or issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application, and any connected application. The Mayor has until 4 February 2016 to notify the Council of his decision and to issue any direction.

4 The Mayor's decision on this case, and the reasons, will be made available on the GLA's website www.london.gov.uk.

Update

5 At consultation stage Enfield Council was advised that the principle of development was supported and that the application potentially complied with the London Plan subject to the resolution of the transport issues set out in the stage 1 report. These issues are detailed below:

Transport

6 TfL considers that this is an ideal location for a bus depot from a strategic transport perspective and is supportive of the application in that regard. This view is supported by London Plan policy and was addressed in the stage 1 report. TfL therefore welcomes Enfield Council's decision to grant permission. However, it is disappointing that there is a planning condition restricting night time bus movements as this will constrain operations and thus the service which can be provided from the garage.

7 The requested stage 1 transport obligations and conditions have all been secured. These include £18,000 towards improvements to the pedestrian environment and extending the existing pathway on Pickett's Lock Lane to the site.

8 On the basis of the above, TfL is satisfied that the application's scheme and associated Council's resolution could be considered to be in general accordance with the transport policies of the London Plan

Response to consultation

9 Enfield Council notified 55 adjoining and nearby residents of the application and displayed a site notice on site. The Council received a total of 22 letters of objection and a petition with 82 signatures raising the following issues: noise and vibration increase from travelling buses at unsociable hours, traffic increase, congestion, parking stress, increased pollution, health and safety issues for pedestrians, safety of fuel storage depot, damage to environment and wildlife, detrimental impact on visual amenity of surrounding area, impact on value of properties, poor facilities for cyclists. Councillors for the Jubilee ward also expressed concerns in respect of noise impacts on local residents as a result of the bus traffic using Pickett's Lock lane and suggested preference for access to be provided via Lea Park Way instead. They also suggested that any job

advertised should be restricted to Enfield only and that all technological advances available should be used to limit noise disturbance.

10 In relation to the objections raised with regard to amenity, these have been addressed in the Council report. A condition has been imposed by the Council limiting the number of vehicle movements to 24 between midnight and 07:00 with no more than 7 in any one hour. The potential for Lee Park Way to serve as an alternative access route is being explored. The condition could be varied as and when more information is received or if an alternative access route is agreed. Strategic matters about the principle of the development and transport have been addressed in this report and the initial stage 1 consultation.

11 In terms of statutory consultees, the Environment Agency had no objection subject to a planning condition to secure a drainage scheme for the vehicle washing bay before commencement of the development; Natural England had no objection but recommended that biodiversity enhancements are explored further by the applicant; the Lee Valley Regional Park Authority had no objection subject to the applicant providing additional footways in Pickett's Lock Lane, segregated and signed lane for cyclists and measures to ensure light spillage is minimised; English Heritage had no objection.

Article 7: Direction that the Mayor is to be the local planning authority

12 Under Article 7 of the Order the Mayor could take over this application provided the policy tests set out in that Article are met. In this instance Enfield Council has resolved to grant permission with conditions and a planning obligation, which satisfactorily addresses the matters raised at stage one, therefore there is no sound planning reason for the Mayor to take over this application.

Legal considerations

13 Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor has the power under Article 6 to direct the local planning authority to refuse permission for a planning application referred to him under Article 4 of the Order. He also has the power to issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application and any connected application. The Mayor may also leave the decision to the local authority. In directing refusal the Mayor must have regard to the matters set out in Article 6(2) of the Order, including the principal purposes of the Greater London Authority, the effect on health and sustainable development, national policies and international obligations, regional planning guidance, and the use of the River Thames. The Mayor may direct refusal if he considers that to grant permission would be contrary to good strategic planning in Greater London. If he decides to direct refusal, the Mayor must set out his reasons, and the local planning authority must issue these with the refusal notice. If the Mayor decides to direct that he is to be the local planning authority, he must have regard to the matters set out in Article 7(3) and set out his reasons in the direction.

Financial considerations

14 Should the Mayor direct refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government guidance emphasises that parties usually pay their own expenses arising from an appeal.

15 Following an inquiry caused by a direction to refuse, costs may be awarded against the Mayor if he has either directed refusal unreasonably; handled a referral from a planning authority unreasonably; or behaved unreasonably during the appeal. A major factor in deciding whether the

Mayor has acted unreasonably will be the extent to which he has taken account of established planning policy.

16 Should the Mayor take over the application he would be responsible for holding a representation hearing and negotiating any planning obligation. He would also be responsible for determining any reserved matters applications (unless he directs the council to do so) and determining any approval of details (unless the council agrees to do so).

Conclusion

17 The principle of the redevelopment of the site is in accordance with strategic policy. The issues raised at consultation stage regarding transport and associated issues have been satisfactorily addressed. There are no sound reasons for the Mayor to intervene in this particular case.

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