



REGULATORY SERVICES COMMITTEE

3 November 2011

REPORT

Subject Heading:

**P1220.11 – Unit C, Eastern Avenue
Retail Park, Romford**

**Variation of condition 4 of planning
permission P1385.01 to allow a wider
range of retail goods to be sold at Unit
C**

(Application received 8th August 2011.)

Report Author and contact details:

**Helen Oakerbee, 01708 432800,
helen.oakerbee@havering.gov.uk**

Policy context:

**Local Development Framework,
London Plan, Planning Policy
Statements/Guidance Notes**

Financial summary:

None

The subject matter of this report deals with the following Council Objectives

Ensuring a clean, safe and green borough	[]
Championing education and learning for all	[]
Providing economic, social and cultural activity in thriving towns and villages	[X]
Value and enhance the life of our residents	[]
Delivering high customer satisfaction and a stable council tax	[]

SUMMARY

The proposal is for a variation of condition 4 of planning permission P1385.01 to allow a wider range of retail goods to be sold at Unit C on the Eastern Avenue Retail Park. The proposal is to allow open A1 retailing at Unit C with limited retailing of food and drink products.

Staff recommend that planning permission be granted.

RECOMMENDATIONS

That the proposal is unacceptable as it stands but would be acceptable subject to the applicant entering into a Deed of Variation under Section 106A of the Town and Country Planning Act 1990 (as amended) to vary the legal agreement completed on 22nd February 2002 in respect of planning permission P1385.01 by varying the definition of Planning Permission which shall mean either planning permission P1385.01 as originally granted or planning permission P1385.01 as altered by planning permission under reference P1220.11 subject to a variation of condition 4 of planning permission P1385.01 to allow a wider range of retail goods to be sold at the application site pursuant to the Planning Permission.

That Staff be authorised to enter into a legal agreement to secure the above and upon completion of that agreement, grant planning permission subject to the conditions set out below.

1) Time Limit: The development to which this permission relates must be commenced not later than three years from the date of this permission.

Reason:

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2) Opening Hours: Unit C shall not trade other than between the hours of 8am to 8pm on Mondays to Saturdays and 10am to 5pm on Sundays, Bank and Public Holidays.

Reason:

To enable the Local Planning Authority to retain control and in the interests of amenity.

3) Restriction of use: Unit C shall be used for open A1 retailing where no more than 20% (360sq.m) of the gross floorspace of this Unit shall be used for the sale

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of food (excluding fresh and frozen goods) and drink products. No fresh or frozen goods shall be sold without prior consent in writing from the Local Planning Authority.

Reason:

To enable the Local Planning Authority to exercise control over any future use not forming part of the application.

4) Cycle storage: Prior to the first occupation of the unit for the purposes hereby permitted, cycle storage of a type and in a location previously submitted to and agreed in writing by the Local Planning Authority shall be provided and permanently retained thereafter.

Reason:

In the interests of providing a wide range of facilities for non-motor car residents, in the interests of sustainability and in order that the development accords with the LDF Development Control Policies Development Plan Document Policy DC36.

5) Travel Plan: Prior to the first occupation of the unit for the purposes hereby permitted, the finalised Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be monitored for a period of 1 year from the date of this permission and the results submitted in writing to the Local Planning Authority.

Reason:

In the interests of encouraging safe and sustainable modes of travel and to accord with Policy DC32 of the LDF Development Control Policies Development Plan Document.

6) Deliveries and Services: Prior to the first occupation of the unit for the purposes hereby permitted, a Delivery and Servicing Plan (DSP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the DSP shall be implemented in strict accordance with the details approved by the LPA for the duration of the development hereby permitted.

Reason:

In the interests of encouraging safe and sustainable modes of travel and to accord with Policy DC32 of the LDF Development Control Policies Development Plan Document.

INFORMATIVES

1. Reason for Approval:

It is considered that the proposal satisfies the relevant criteria of Policies CP3 and CP17 of the Core Strategy and Policies DC9, DC33, DC61 and

DC72 of the LDF Development Control Policies Development Plan Document. The proposal is also compliant with Policy 2.17 of the London Plan (2011).

2. Planning Obligations

The planning obligations recommended in this report have been subject to the statutory tests set out in Regulation 122 of the Community Infrastructure Levy Regulations 2010 and the obligations are considered to have satisfied the following criteria:-

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

REPORT DETAIL

1. Site Description

- 1.1 The application site is located on the southern side of Eastern Avenue West (A12) and forms part of an existing retail park which is accessed from the A12. The application site relates to Unit C which is vacant at present and was previously occupied by MFI. Unit C measures 1858sq.m and is the last unit to the western side of the retail park.
- 1.2 The remainder of the retail park comprises 4 units which are currently occupied by Currys, PC World, Burger King and Car Phone Warehouse. The retail park comprises a total of 8679sq.m. The site is designated as an Out of Town Centre location according to Policy DC15 of the LDF.
- 1.3 The character of the surrounding area is varied with mainly commercial units along the A12 and residential properties to the south of the application site.

2. Description of Proposal

- 2.1 The Council is in receipt of an application seeking planning permission for a variation on condition 4 of planning permission P1385.01 to allow a wider range of retail goods to be sold at Unit C.
- 2.2 The proposal is to allow open A1 retailing at Unit C with limited retailing of food and drink products.

- 2.3 The current permission for units A, B, C and E restricts the use to retail warehousing for the sale in any combination of DIY goods, furniture and furnishing, carpets and floor covering, motor accessories, cycles and cycle parts and accessories, gas and electrical goods and appliances, pets, pet food and pet products, office equipment and other associated products, footwear and sports apparatus and other ancillary products and for no other purpose including specifically the sale of food and other uses falling within Class A1. The application seeks permission to enable Unit C to be used for open A1 retailing with limited food and drink products and no fresh or frozen goods. The applicant has indicated that they are willing to accept a condition to restrict the floorspace set aside for the sale of food and drink products.
- 2.4 The applicant has submitted a Planning Statement, Sequential Test, Transport Assessment and Travel Plan in support of the application.

3. Planning History

- 3.1 P1469.97 - The redevelopment of existing industrial buildings and yards for retail warehousing with associated servicing, parking and landscaping – Approved.
- 3.2 P1385.01 - Amendments to planning permission P1469.97 (i) to amend the approved layout of buildings, (ii) to use (new unit D for A3 purposes, (iii) to amend the landscaping details – Approved.

4. Consultations/Representations

- 4.1 Neighbour notification letters have been sent to 73 neighbouring properties. No letters of representation have been received.
- 4.2 The Borough's Crime Prevention Design Advisor raised no objections.
- 4.3 No objections raised by TFL, subject to appropriate conditions.

5. Relevant Policies

LDF Core Strategy Development Plan Document

CP3 – Employment
CP4 – Town Centres
CP9 – Reducing the need to Travel
CP10 – Sustainable Transport

LDF Development Control Policies Development Plan Document

DC15 – Locating Retail and Service Development
DC16 – Core and Fringe Frontages in District and Local Centres
DC32 – The Road Network
DC33 – Car parking

DC34 – Walking
DC35 – Cycling
DC36 – Servicing
DC61 – Urban design
DC62 – Access
DC72 – Planning Obligations

5.3 The London Plan (2011)

2.15 (Town Centres)
4.1 (Developing London's Economy)
4.7 (Retail and Town Centre Development)
4.8 (Supporting a Successful and Diverse Retail Sector)
4.11 (Encouraging a Connected Economy)
6.3 (Assessing Effects of Development on Transport Capacity)
6.9 (Cycling)
6.10 (Walking)
6.13 (Parking)

5.4 Government Guidance

Planning Policy Statement 1 – Delivering Sustainable Development
Planning Policy Statement 4 – Planning for Sustainable Economic Growth
Planning Policy Guidance Note 13 – Transport

6. Staff Comments

6.1 The main issue for consideration in this instance is the principle of the variation of condition 4 of planning permission P1385.01, its impact on neighbouring amenity and the impact of the proposal on parking / highway issues.

6.2 Principle of Development

6.2.1 The application site falls outside of the Romford Town Centre, approximately 1 km north-west, along Eastern Avenue West (A12). According to Policy DC15 planning permission for retail and service development over 200 sq metres will only be granted where the sequential test is satisfied. It is acknowledged that the use is already a retail unit however, when permission was originally granted, the range of retail goods to be sold at the premises were restricted to safeguard the vitality and viability of the general retail in the Romford town centre. The application site is an out of town centre location and the purpose of this application is to seek permission for Unit C to be used for open retail which would be similar to other uses in town centre locations.

6.2.2 Applicants should first thoroughly assess the availability of sites within the primary shopping area (Romford Town Centre) before considering other sites on the edge or out of centre. As a result the applicant has put forward a comprehensive retail study, providing evidence that the subject property is

sequentially the most preferable site. In doing so, the applicant has demonstrated that in seeking to find an appropriate site, consideration has been given to the scale and format of the development in devising the business model and the level of car parking provision available.

6.2.3 The intention of the sequential test as described in PPS4 is to promote town centre vitality and viability by focussing development in town centres. PPS4 further states that all options in the centre should be thoroughly assessed before less central sites are considered for development. The sequential approach requires that locations are considered in the following order:

- first, locations in appropriate existing centres;
- edge-of-centre locations; and then
- out-of-centre sites.

6.2.4 The assessment considered sites which can potentially accommodate approximately 1860sq.m of floorspace, located on a site within or on the edge of Romford town centre and a site which can provide adequate car parking and servicing arrangements. Amongst those considered were Rom Valley, Roneo Corner, Harold Hill Industrial Estate and Gallows Corner retail park. None of these sites were considered adequate for reasons given in the sequential test.

6.2.5 A detailed assessment was also undertaken investigating 16 sites located within the town centre, edge of centre and appropriate out of centre locations. The assessment has shown that there are no alternative sequentially preferable sites that are available, suitable or viable for the proposed retail use of Unit C.

6.2.6 Sites which have been assessed are all sites which comply with the applicant's required 1800sq.m floor area and which can provide dedicated car parking and adequate service arrangements. All sites identified were analysed in line with PPS4 principles and Policy DC15. The sequential test identified that the application site is the only available property which meets all the minimum criteria as well as being viable. The study reviewed the possibility of occupying smaller units, taking up a percentage of floorspace in larger units as well as obtaining development sites and illustrated that the proposal site remains the most sequentially appropriate premises. It was indicated that alternative premises do not provide appropriate car parking or servicing facilities and would not be suitable in terms of the size requirements.

6.2.7 The sequential test revealed that the subject property is the most suitable location for this particular type of discount retailer and that no other site identified as part of the study would be viable. Marketing information indicates that the application site has been vacant for some time and the proposal would thus bring a vacant unit back into use. The retail study identified the benefits of bringing a vacant unit back into use as it would comply with recent Ministerial advice on "Planning for Growth" which states that local planning authorities should support enterprise and facilitate

housing, economic and other forms of sustainable development. Appropriate weight should be given to the need to support economic recovery and applications that secure sustainable growth should be treated favourably (consistent with policy in PPS4). The supporting statement indicates that the proposal would generate approximately 50 – 60 employment opportunities, replacing job opportunities which were lost with the demise of the MFI unit. The supporting statement further indicates that the proposal would enhance the retail offer in the area, providing a wider range of choice for consumers and greater economic activity.

6.2.8 In light of the evidence provided in support of this application, Staff are of the view that the proposal would not have a negative impact on the Romford Town Centre, Minor and Local centres or edge of centre locations. The proposal would promote Romford as a retail and leisure destination and add to the vitality and variety of retail outlets available. It is considered that the variation of the condition would provide wide economic benefits to Romford as a unique business and the requirement of approximately 50 - 60 members of staff, consistent with PPS4 and Ministerial advice on “Planning for Growth”.

6.2.9 The sequential test has demonstrated that no other site within the Romford Town Centre can be considered as a viable option for the applicant's needs and that the proposal will not have a negative impact on the vitality and viability of the town centre, but would in fact attract more people to the Romford area, at the same time serving as an economic injection to Romford. The site is located along Eastern Avenue West (A12) which is well served by public transport, easy accessible by any mode of transport and the retail park has a total of 303 off-street car parking spaces with service access to the rear. For these reasons Staff are of the opinion that the proposal satisfy the principles of PPS4 and Policy DC15 of the LDF and that the sequential test provides sufficient evidence to justify appropriate development of this nature outside of the Romford Town Centre, making this application acceptable in principle.

6.3 Impact on character and street scene

6.3.1 The proposal is for a variation of condition only and proposes no changes to the external appearance of the building. Any changes to advertisement signage would be subject to a separate application for advertisement consent.

6.4 Impact on Amenity

6.4.1 With regard to the impact upon neighbouring properties consideration must be given to potential implications in terms of operating hours, smells and noise and disturbance. Note should be given to the fact that residential bungalows and flats are within close proximity to the subject property.

6.4.2 The main issue regarding impact on amenity would be additional noise as a result of the proposed opening hours, vehicular activity and comings and

goings of customers. The proposal would not alter the existing opening hours and would therefore remain as per the existing permission which allows for opening hours between 8.00am and 8.00pm on Mondays to Saturdays and 10.00am to 5.00pm on Sundays, Bank and Public Holidays. In light of the existing opening hours which is consistent with all other units on the retail park and similar to the previous occupier (MFI), it is not considered that opening hours would give rise to any harm to neighbouring amenity.

- 6.4.3 In terms of general vehicular noise and customer activity, the application site is adjacent Eastern Avenue West (A12) which is a main arterial road with a constant flow of traffic. In light of the existing activities already taking place on the retail park and ambient noise levels from vehicular activity on the A12, Staff do not consider that the proposal to allow for the retail sale of a wider range of goods would give rise to additional activities over and above those which are experienced as a result of the existing permission on the application site.
- 6.4.4 The proposal is therefore not consider to result in any significant changes to the current permission which would cause harm to neighbouring amenity. The proposal is therefore consistent with the aims and objectives of Policy DC61 of the LDF.

6.5 Parking and Highway Issues

- 6.5.1 Policy DC33 seeks to ensure that the proposal provides adequate off street car parking. Annex 5 of the LDF Development Control Polices DPD sets out the Council's car parking standards for a variety of uses. The proposal would not result in a change of use however, it would allow for the retail sale of a wider range of retail products and ancillary food sales. The retail park has a total of 303 off-street parking spaces which are utilised by the 5 units on the estate.
- 6.5.2 The Council's Highways Authority raised no objections in respect of the proposal.
- 6.5.3 Transport for London (TFL) are satisfied that the overall level of vehicular trips to be generated would be similar to the level set out in Table 4.1 of the Transport Assessment submitted in support of the application. TFL do not consider the proposal to result in a significant traffic impact on the adjacent A12 Eastern Avenue. Although TFL considers the proposal to be acceptable, appropriate conditions are recommended, should Members be minded to grant permission.
- 6.5.4 Servicing of the unit would take place as per the existing arrangements for the MFI site.
- 6.5.5 Suitable refuse storage and collection arrangements can be dealt with via planning condition.

6.5.6 In light of the above, Staff are of the opinion that the proposal is acceptable in respect of parking numbers and highway safety grounds. The proposal would therefore comply with the overall aims and objectives of Policy DC33 of the LDF.

7. Conclusions

7.1 Staff consider the variation on condition 4 of planning permission P1385.01 to allow a wider range of retail goods to be sold at Unit C acceptable in this instance as it would bring a vacant unit back into use. Staff are of the opinion that the sequential test justifies the site as being the most viable and sequentially preferable site for this particular proposal. It is not considered that the site's location outside of the town centre would have a detrimental impact on the vitality and viability of the Romford Town Centre and indeed may serve as an economic injection to the Romford area in general. The proposal is thus acceptable in principle and complies with the aims and objectives of Policies DC15 and DC16 of the LDF Development Control Policies Development Plan Document. Members are invited to apply their judgement to this aspect of the proposal.

7.2 No external alterations are proposed and the proposal is therefore acceptable in street scene terms. No objections are raised in respect of the proposal's impact on neighbouring amenity.

7.3 It is considered that the number of parking spaces provided on the larger retail park is sufficient to accommodate the proposed use and would not result in an overspill of parking onto adjoining roads. The proposal is not considered to have any significant harmful impact on the adjoining A12 Eastern Avenue.

7.4 Having regard to all relevant factors and material planning considerations Staff are of the view that this is an acceptable use in this location. Staff are of the view that with appropriate conditions and restrictions, the use would not have a detrimental impact on the amenities of adjoining properties and it is recommended that planning permission is granted, subject to conditions

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal Implications and Risks

Legal resources will be required for the drafting of a legal agreement.

Human Resources Implications and Risks

None.

Equalities implications and risks:

The Council's planning policies are implemented with regard to Equalities and Diversity.

BACKGROUND PAPERS

Application forms, plans and supporting statements received on 8th August 2011.