



# REGULATORY SERVICES COMMITTEE

21 February 2013

# REPORT

**Subject Heading:**

P1268.11 – Enterprise House, 34  
Faringdon Avenue, Harold Hill

Change of use from B8 (warehouse  
with ancillary offices) to A1 (retail) with  
ancillary offices. Reduction of floor  
area from 2810m<sup>2</sup> to 2435 m<sup>2</sup>.

(Application received 16 August 2011)

**Report Author and contact details:**

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

**Policy context:**

Local Development Framework

**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<br>and villages | [X] |
| Value and enhance the life of our residents  | [X] |
| Delivering high customer satisfaction and a stable council tax                     | [ ] |

## SUMMARY

Planning permission is sought for a change of use from B8 (storage and distribution with ancillary offices) to A1 (retail with ancillary offices). The creation of A1 floor space is contrary to current policy guidelines and Staff therefore consider this use inappropriate in this location. However, the proposals could create up to 65 job opportunities within the Harold Hill area and this is a judgement for Members to consider. The proposals also represent a shortfall of 38 car parking spaces and whilst there may be a reduction in commercial traffic, there would be an increase in overall traffic levels, specifically in customer traffic levels and consideration needs to be given to the impact this would have upon the highway. Again, Members are invited to exercise their judgement.

### **REASONS FOR REFUSAL**

1. The application site is situated within a designated Strategic Industrial Location, where Policy DC9 of the Core Strategy and Development Control Policies Development Plan Document permits only B1 (b)&(c), B2 and B8 uses. The proposal is not for one of these specified uses and is considered to jeopardise the provision of accessible employment land within the Borough, contrary to the provisions of CP3 and DC9 of the Core Strategy and LDF Development Control Policies DPD and Policies 2.17, 4.4 and 4.7 of the London Plan.
2. The proposal is located in an out of town location and it has not been demonstrated that there are no suitable premises available within town centre or edge-of-centre locations for the proposed retail use. Furthermore the subject site is not considered to be accessible and well connected to the town centre. In this respect the proposal would be contrary to Paragraph 24 of the National Planning Policy Framework, Policy 4.1 of the London Plan and Policy DC15 of the LDF.

### **INFORMATIVES**

1. Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: Consideration was given to seeking amendments, but given conflict with adopted planning policy, notification of intended refusal, rather than negotiation, was in this case appropriate in accordance with para 186-187 of the National Planning Policy Framework 2012.

## REPORT DETAIL

### 1. Background

The application was deferred from the 3 November 2011 Regulatory Services Committee meeting in order for a number of questions to be addressed. Since then, the application has been revised by removing part of the building that covers the loading area and reducing the overall proposed retail floor area from 2810m<sup>2</sup> to 2435 m<sup>2</sup>. Please see below the questions raised and the response:

*a. Seek clarification from the applicant of the precise use proposed.*

It is anticipated that the key areas of trading for any likely and successful A1 operator will be, in descending order, gardening, cleaning and household products, DIY, clothing and footwear, food (all packaged) and drinks, Christmas/seasonal, electrical, car accessories and furniture.

*b. Clarify whether applicant was willing to accept conditions restricting nature of use.*

Applicant is anticipating that some restrictions are likely to be put in place on the percentage of floor area able to be allocated to some or all of the uses proposed.

*c. Possible conditions in the event of a Committee approval.*

If members were to be minded to grant planning permission, Staff recommend that conditions covering the following matters be considered:

- Time limit
- Parking spaces to be provided
- Accordance with plans
- Cycle storage to be provided
- Travel plan to be provided
- Lighting of car park
- Opening hours to be from 7am – 8pm, Monday to Friday and from 8am to 6pm on Saturdays
- Restriction on subdividing the unit into smaller units
- Restriction on type of goods to be sold

*d. Explain extent to which an approval, contrary to recommendation, would set precedent for loss of industrial uses.*

A retail use in the industrial location may lead to pressure for additional retail uses and could detract from the future attractiveness of the area for industry.

- e. *Explore scope for aspects such as job creation for local economy to be covered by legal agreement plus any other S106 matters possible through negotiation.*

If members are minded to approve the application a legal agreement could be required to ensure that jobs at the retail store are advertised locally, that there is a Local Skills Training Contribution to better equip the local workforce within the Borough to take up job opportunities created by the proposal.

## **2. Site Description**

- 2.1 The application site is a detached warehouse, located on the southern edge of Faringdon Avenue on the corner with Spilsby Road and comprises single storey warehouse buildings with a three storey office building.
- 2.2 The site is enclosed from the public highway by a metal fence with gates. The site is covered in hard standing which provides on-site car parking.
- 2.3 The surrounding locality is characterised by warehouse buildings and ancillary offices which create a commercial character.

## **3. Description of Proposal**

- 3.1 Planning permission is sought for a change of use from B8 (storage and distribution with ancillary offices) to A1 (retail with ancillary offices). The proposed change of use would cover a building with a floor area of 2435m<sup>2</sup>.
- 3.2 Parking would be provided for 48 vehicles on the existing areas of hard standing. The parking provision would consist of 41 regular bays, 3 electric charging bays and 4 fully accessible bays. Provision for 18 bicycles would also be provided.
- 3.3 The applicant has also indicated that the proposal would provide employment for 25 full time and 30 part time staff, all of which would be recruited locally. Around 6 of these would be managerial positions.

## **4. Relevant History**

- 4.1 P1483.04 - Change of appearance to front elevation, including new canopy - Approved.
- 4.2 P0725.04 - Erection of gate and palisade fencing for security purposes around car park – Approved
- 4.3 P0774.92 - Change building forecourt paved into parking space - Approved

## **5. Consultations/Representations**

- 5.1 Notification letters were sent to 31 neighbouring properties and 1 letter of objection was received.
- 5.2 The main concerns relates to an increased level of commercial traffic and pollution as well as inadequate parking which could impact health and safety of the general public.
- 5.3 The site has been advertised as a major development for a change in use of over 1000 square metres of floorspace and also as being contrary to the relevant policies in the Local Development Framework.
- 5.4 The Highway Authority has raised no objection to the proposal.
- 5.5 The GLA has raised initial objections to the proposal as submitted. However they have no remit to comment on the current scheme as changes have been made so that the floorspace is below the threshold of 2500m<sup>2</sup>.

## **6. Relevant Policies**

- 6.1 Policies DC9 (strategic industrial locations), DC15 (locating retail and service development), DC33 (car parking), DC35 (cycling), DC36 (servicing) and DC61 (urban design) of the Local Development Framework Core Strategy and Development Control Policies Development Plan Documents and Policy 2.17 (strategic industrial location), 4.4 (managing industrial land and premises) and 4.7 (retail and town centre development) of the London Plan are relevant.
- 6.2 National Planning Policy Framework (NPPF) Section 1 “Building a strong, competitive economy” and Section 2 “Ensuring the vitality of town centres” are also relevant.

## **7. Staff Comments**

- 7.1 Councillor Lesley Kelly requested the proposal to be put before the Committee on the grounds that the proposed use would create employment. The main issues to be considered by Members in this case are the principle of development, amenity implications, and parking and highways issues.

## **8. Principle of Development**

- 8.1 The site lies within the designated Harold Hill Industrial Estate. This is identified as being a Strategic Industrial Location (SIL). Policy DC9 is relevant here which states that the only acceptable uses in these locations are B1 (b+c), B2 and B8. It is proposed to change 2435m<sup>2</sup> of B8 floor space (storage and distribution) into A1 (Retail).
- 8.2 A1 retail uses are not included within the defined acceptable uses in Policy DC9 and are therefore unacceptable in principle. Policy 2.17 of the adopted 2011 London Plan promotes the protection and management of SILs. Development proposals within these sites should be refused unless they fall

within the broad industrial type activities outlined in paragraph 2.79, which includes industrial, light industrial, storage and distribution uses or where the proposal is for employment workspace to meet the identified needs of small and medium sized enterprises or new emerging industrial sectors or for small scale services for industrial occupiers, such as workplace, crèches or cafes.

- 8.3 Development within SILs should not compromise the integrity or effectiveness of these locations in accommodating industrial type activities. The London Plan states that these designated areas provide 40% of the total industrial land for London and are therefore highly important to the overall vitality of the capital.
- 8.4 Policy DC9 provides strict guidance as to acceptable uses in the Industrial estate. Unlike policy DC10 which refers Secondary Employment Areas it does not allow for the demonstration that the site is no longer fit for purpose. However, the applicants have submitted details of vacancy to demonstrate that the site is no longer suitable for industrial uses. Staff acknowledge that the site has been vacant. Details have been submitted by the applicant to show marketing information from December 2010 with the site being 'To Let' with little interest from prospective occupiers. No evidence that the site has been offered for suitable industrial redevelopment, either to let or for sale has been provided.
- 8.5 The applicant has also identified sites in the locality, which they consider to be non-industrial in use. These include retail units in Camborne Avenue, however, these are located outside of the Strategic Industrial Location and are identified as a minor local parade in their own right.
- 8.6 Staff also acknowledge that nearby planning permission has been given on appeal for the Former Ricon Site for Sui Generis (car sales), which is not one of the outlined B uses in DC9. And that there are other car dealerships in this location, including the BMW, MINI and Volkswagen garages on Eastern Avenue. These, have an element of retail in them, but however, include servicing and MOT facilities, which were considered relevant factors when dealing with planning applications.
- 8.7 Section 1 of the NPPF states that in drawing up Local Plans, local authorities should set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period.
- 8.8 Policy 2.17 of the London Plan states that boroughs and other stakeholders should, promote, manage and, where appropriate, protect the strategic industrial locations (SILs). Policy 4.4 states that boroughs should adopt a rigorous approach to industrial land management to ensure a sufficient stock of land and premises to meet the future needs of different types of industrial and related uses in different parts of London, including for good quality and affordable space.

- 8.9 The agents have also referred to the application sites limitations for being a useable B2/B8 space by way of the low eaves height, poor internal layout and L-shape design and outdated construction. They have stated that these issues would not be relevant for an A1 retail space which is much more flexible in terms of its accommodation. However the option of redevelopment of the site does not appear to have been fully explored.
- 8.10 Section 2 of the NPPF states that local authorities should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Policy 4.7 of the London Plan states that retail, commercial, culture and leisure development should be focused on sites within town centres, or if no in-centre sites are available, on sites on the edges of centres that are, or can be, well integrated with the existing centre and public transport. Policy DC15 of the LDF refers to the provision of retail and service development in the borough. The presumption in this policy is that retail developments over 200 square metres in floorspace will be located in primary centres. The proposal is for 2435m<sup>2</sup> of retail floor space. DC15 states that Romford has the ability to provide up to 15,000 square metres of retail space with Hornchurch and Upminster providing 5,000 square metres.
- 8.11 Where no sites are suitable or available in the identified centres, then developments should be based in the identified out of town centres, for example Gallows Corner. Where developments are located outside of the out of town centres then a sequential test is required to be satisfied which demonstrates the lack of appropriate sites.
- 8.12 The applicant has stated within their supporting documents that no other alternative sites have been found with the exception of No. 3 Spilsby Road, Harold Hill. This site however, lies adjacent to the application site and is also within the Harold Hill Strategic Industrial Location. This site would also be unacceptable for A1 uses. The sequential test does not adequately show that there are no suitable sites for retail development either in the town centre or edge of centre sites.
- 8.13 The applicant has stated that approximately 25 full time and 30 part time jobs would be created as part of the proposals, in an area with historically lower employment rates than the rest of the borough, however as no occupier has been identified, it is difficult to predict employee numbers. As no end user has been identified the application is speculative. Although it is acknowledged that retail use could provide jobs, against this it should be acknowledged that a retail use may discourage industrial uses where an industrial estate location is preferred.
- 8.14 In all, a change of use to A1 would therefore be unacceptable in principle in this location. However, the issue of job creation is especially relevant in these economically uncertain times and this issue will be a judgement for

Members to debate, balancing this against the firm policy presumption to retain SILs for certain uses and direct retail uses to town centres.

## **9. Design and Visual Impact**

- 9.1 The proposal would result in the part demolition of the existing coverage to the service area. Staff do not consider the proposed alterations to the existing building to have a harmful impact on the streetscene.
- 9.3 Staff acknowledge that the site is vacant and therefore creates an element of inactivity in the streetscene. The reuse of the building would therefore contribute to the wider vitality of the area. However, this is not considered justification for a use which is unacceptable in this location.
- 9.4 No details have been provided as to potential signage and these would require separate consents.

## **10. Impact on Amenity**

- 10.1 The nearest residential properties are located to the North West on Camborne Avenue. These are well removed from the site and Staff do not consider that an A1 use would have any significant impact over and beyond the existing permitted B8 use of the site.

## **11. Highways / Parking Issues**

- 11.1 Policy DC33 refers to parking standards. For an A1 use in this location 1 parking space per 30 square metres is required. In this instance, a figure of 93 parking spaces is required.
- 11.2 The existing site has 27 car parking spaces and the plans submitted show that the existing hard surfacing can be re-configured to provide 48 parking spaces (including 4 disabled spaces and 3 electric charging bays), equating to a deficit of 45 parking spaces. Objections received have raised concern with regard to the lack of parking within the site.
- 11.3 Representations received from the Highways Authority do not raise any objection to this deficit of parking. Given the lack of Highways objection on file, Members may wish to consider if a shortfall of 45 parking spaces would be acceptable.
- 11.4 With regard to servicing policy DC36 is relevant, the site was previously a storage and distribution base and would therefore have had a high level of vehicular activity, particularly with delivery vehicles and other large commercial vehicles.
- 11.5 The supporting documentation submitted indicated that there would be a large reduction in commercial traffic and delivery vehicles with the site needing one delivery a day. This suggests a reduction in overall traffic numbers, however, the use would generate a high level of consumer traffic



and Staff traffic, where at present the sites current usage would not permit. Whilst the site is located near to bus stops, it is not in a highly publically accessible zone, unlike other key shopping area in the borough such as Romford. The proposed type of retail is likely to encourage car use to and from the site, rather than those arriving by foot, public transport or as part of a linked shopping trip.

## **12. The Mayor's Community Infrastructure Levy**

12.1 The proposed development is not liable for the Mayor's Community Infrastructure Levy (CIL) as it would not result in an increase in floor area.

## **13. Conclusion**

13.1 In In conclusion, the creation of A1 floor space is contrary to Policies CP3 and DC9 of the LDF Core Strategy Development Control Policies DPD and Policies 2.17, 4.4 and 4.7 of the 2011 London Plan and the National Planning Policy Framework. Staff therefore consider this use inappropriate in this location. However, the proposals could create a maximum of around 65 much needed mixed employment opportunities within the Harold Hill area and this is a judgement for Members to consider.

13.2 The proposals also represent a shortfall of 38 car parking spaces and whilst there may be a reduction in commercial traffic, there would be an increase in overall traffic levels, specifically in costumer traffic levels and consideration needs to be given to the impact this would have upon the highway. Although in the absence of a Highways objection, Members are invited to exercise their judgement.

13.3 It is not considered that there would be any adverse harm to surrounding amenity; however, for the reasons outlined above, it is recommended that planning permission be refused.

## **IMPLICATIONS AND RISKS**

### **Financial implications and risks:**

Financial contributions are required through a legal agreement

### **Legal implications and risks:**

Legal resources will be required to prepare and complete the legal agreement.

### **Human Resources implications and risks:**

None.

### **Equalities implications and risks:**

None

**BACKGROUND PAPERS**

Application forms and plans received on 16<sup>th</sup> August 2012.