OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: **P1837.21**

WARD : Brooklands **Date Received:** 21st September 2021

ADDRESS: 11 DANES ROAD
CROW LANE
ROMFORD

PROPOSAL: Retrospective change of use from B1 (b) / B1 (c) to Food Retail Warehouse.

DRAWING NO(S): C-01
C-02
C-06
C-07
C-08
Design And Acess Statement, Addendum A. July 2021.

RECOMMENDATION : It is recommended that **planning permission be REFUSED** for the reason(s) given at the end of the report

---

SITE DESCRIPTION

The application site comprises of Unit 11 on Danes Road industrial estate at No. 11 Danes Road. The site area is 244sq.m and 194sq.m GIA with mezzanine GIA of 99sq.m. Site is currently vacant but previously used as industrial unit for the fabrication of pipe insulation. The site is located within a Secondary Employment Area near Crow Lane. The surrounding area comprises of light industrial units. There are residential properties beyond the adjoining industrial unit in Crow Lane to the south and Beechfield Gardens to the east of the site.

The site is not in a conservation area and the building is not listed.

DESCRIPTION OF PROPOSAL

Change of use of vacant building from Class E(g) (iii) (industrial) to mixed Use Classes E(a) (retail sale of goods), E(g)(i) (offices) and B8 (storage or distribution) for use as a cash and carry wholesale shop with associated office and storage space.

Opening hours proposed:

Monday - Saturday 08:00 - 19:00
Sundays - 11:00 - 17:00
Public Holidays - 09:00 - 17:00

4FTE proposed.

The forecourt would accommodate 2 - 3 cars, applicant states that the location could also serve as loading/off-loading bay. The PTAL rating of site is 1a - very poor.

RELEVANT HISTORY

P1748.20 Change of use of vacant building from Class E(g) (iii) (industrial) to mixed Use Classes E(a) (retail sale of goods), E(g)(i) (offices) and B8 (storage or distribution) for use as a cash and carry wholesale shop with associated office and storage space - Refuse 18-01-21.

Reason:

The proposed change of use from industrial (Class E (G) iii) to wholesale cash and carry retail (Class E (a) with ancillary office and storage area of the Town and Country Planning (Use Classes) Order 1987, as amended, is unacceptable in principle and results in the loss of an industrial use, which is harmful to the Secondary Employment Area contrary to Policy DC10 of the London Borough of Havering Local Development Framework Core Strategy and Development Control Policies Development Plan Document 2008.

ENF/187/21
Alleged unauthorised selling of hot food from catering van at front of property.

Alleged canopy like structure to the fore court

Alleged change of use from Industrial/Storage(B8/b2) to class E - ongoing investigation.

Response to representation:
All material consideration raised to be addressed in the report below.

Issue raised regarding food cooking will not be considered under current application, as this is currently being investigated.

CONSULTATIONS/REPRESENTATIONS

Neighbour notification letters were sent to 11 neighbouring properties. 2 letters of representation received, and summarised as below:

- site is an industrial area with no food sales
- rat issue due to food sale
- constant offensive smell
- limited parking spaces in Danes Road, the business has one parking space with inappropriate parking from visitors to the shop.
- premises also has a trailer being used to sell cooked food

The following stakeholders were also consulted:

Highway Authority - No comments received till date.

Environmental Health - No comments received till date.

Waste & Recycling - No domestic collections will apply to this proposal. The business should have a suitable waste collection/contract to meet the requirements of the business.

RELEVANT POLICIES

Policies 19 (Business growth), 20 (Loss of locally significan tindustrial sites and non-designated land), Policy 34 (Managingpollution) and Policy 26 (Urban design) are considered material together with the Planning Advice Note: Havering is 'open for business' - proposals for business and employment uses within industrial areas.

Havering Employment Land Review (ELR)(2015).

London Plan 2021
E6 Locally Significant Industrial Sites
E7 Industrial intensification, co-location and substitution

The National Planning Policy Framework 2021 is relevant.

MAYORAL CIL IMPLICATIONS

There is no increase in internal floorspace and the proposal is not CIL liable.

STAFF COMMENTS

the proposal is a resubmission of previously refused scheme under ref: P1748.20 as highlighted above, therefore the reasons for refusal would need to be satisfactorily addressed for it to be considered acceptable.

The main issues in this case are the principle of the change of use in planning policy terms, the impact on the streetscene and neighbouring amenity and any highway and parking issues.

In accordance with the current criteria for site visits, an in-person site visit was not undertaken. For the purposes of assessing the proposed development a combination of site photographs provided by the applicant (within the DAS), street-view, relevant aerial photography and historic records including drawings were sufficient for this assessment.

PRINCIPLE OF DEVELOPMENT

The application site is located within a Secondary Employment Area. Policy 20 states:

The Council will only support the loss of non-designated industrial land and floorspace in Havering where it can be demonstratedthat:
i. The change of use from industrial employment uses will not lower the industrial capacity of the borough below that necessary to meet projected demand over the planning period as estimated by the most up to date Havering EmploymentLand Review;
ii. There is no market interest in the site following one year of continuous active marketing.
iii. In considering proposals for the loss of LSISs and non-designated industrial land, the Council will take into account the wider land-use objectives of the Local Plan because the release of land which is no longer needed for employment use may assist in securing these.
iv. The Council will require the re-provision of non-designated industrial land where it is located withina wider area of commercial uses (such as retail) in the event of proposals being submitted for redevelopment of the wider area except in cases where this policy accepts their loss.

In light of the above, the main issue for consideration in this case is whether the proposed cash and carry retail use (previously A1 use Class, now E (a) Use Class since September 2020) with ancillary office and storage use would be an acceptable use at this location, having regard to development plan policies relating to the provision and location of employment generating uses.

In the applicant's supporting statement, it has not been demonstrated how the proposals would not lower the industrial capacity of the borough or whether there is no more market interest which would need to be supported with marketing evidence. In this case, given the lack of adequate evidence to justify the loss of the unit, the proposals is contrary to policies 19 and 20 and therefore unacceptable.

Although, the B8 ancillary use was hgihlighted in the supporting statement, however, given the nature of the principal use of site, the ancillary B8 would not be considered to be an adequate justification, as the B8 cannot operate in isolation.

In addition, the applicant has provided details of the last known use according to google maps timeline photos from 2019 where it appears to be operated by La Roche - a company that hires Rebar Bending/cutting machines plate compactors to construction companies. There is no supporting planning history to support the use, therefore the use of site is considered to be light industrial and not E(g)(i) offices as suggested by the applicant.

The application is made under full planning and not certificate therefore the permitted change suggested by the applicant cannot be considered, as this fall outside the scope of this application.

Applicant has failed to provide any justification for the proposed E(a) use in accordance with the policy requirement . In the absence of any evidence from the agent to address the criteria of Policy 20, it is considered that the proposed change of use from offices (class E (g) iii) industrial to retail sale of goods (class E(a)) is unacceptable in principle.

It is acknowledged that the proposal would bring the vacant shop back into a viable use, however the use proposed would be contrary to policy, therefore unacceptable.

DESIGN/IMPACT ON STREET/GARDEN SCENE

The change of use did not involve any external changes to the premises.

IMPACT ON AMENITY

It is considered that the proposals would not result in a significant loss of amenity to neighbouring properties, in terms of noise and disturbance, given the existing industrial use and the location of residential buildings in relation to site.

The proposed hours of use would be similar to other industrial hours of use in close vicinity of site, therefore officers would considered the proposed hours of operation acceptable with no significant impact on the amenity of neighbours in terms of noise and general disturbances associated with the use.

In terms of contamination, the proposed change of use would be acceptable with no significant impact on proposed occupiers.

HIGHWAY/PARKING

The site has a PTAL rating of 1a - very poor. The proposed wholesale cash and carry would be similar to the lawful use of site in terms of trip generation.

In addition, Danes Road and few other surrounding roads are without parking restrictions, therefore given the scale of proposals, the proposed use would not be considered to give rise to a significant level of parking and highway issues.

Notwithstanding the above, there is need to provided additional details regarding delivery and trip generation, the lack of this information, it has not been possible to adequately assess the impact of the proposals on the highway network, therefore would be unacceptable.

Details of the refuse arrangements can be secured by condition if minded to grant planning permission.

KEY ISSUES/CONCLUSIONS

It is considered that the proposed change of use from industrial (Class E (g) iii) to wholesale cash and carry retail (Class E(a) with ancillary office and storage use is unacceptable in principle and results in the loss of an industrial use, which is harmful to the Secondary Employment Area contrary to Policy 20 of the Local Plan and LP Policies E6 and E7. It is recommended that planning permission is refused.

RECOMMENDATION

It is recommended that **planning permission be REFUSED** for the following reason(s):

1. Reason for refusal - Secondary Employment Area

The proposed change of use from industrial (Class E (G) iii) to wholesale cash and carry retail (Class E (a) with ancillary office and storage area of the Town and Country Planning (Use Classes) Order 1987, as amended, is unacceptable in principle and results in the loss of an industrial use, which is harmful to the Secondary Employment Area contrary to Policy 20 of the London Borough of Havering Local Plan, London Plan Policies E6 and E7 and the The NPPF 2021.

2. Refusal non standard

In the absence of a Full Delivery and Service Plan, the proposals would be considered to have adverse impcat on the highway network, contrary to Policy 24 of the Local Plan and London Plan policies T3, T4 and T6.3.

---

1 Refusal - No negotiation

Statement Required by Article 35 (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015: Consideration was given to seeking amendments, but given conflict with adopted planning policy, it was necessary to issue a decision as close to the statutory timeframe as possible as opposed to seeking amendments/additional details which would have significantly delayed the application.

Authorising Officer:	Habib Neshat	29-11-2021