

LONDON BOROUGH OF ENFIELD

PLANNING COMMITTEE

Date : 29th November 2011

Report of
Assistant Director, Planning &
Environmental Protection

Contact Officer:
Aled Richards Tel: 020 8379 3857
Andy Higham Tel: 020 8379 3848

Ward: Edmonton
Green

Application Number : TP/82/1062/VAR1

Category: Minor

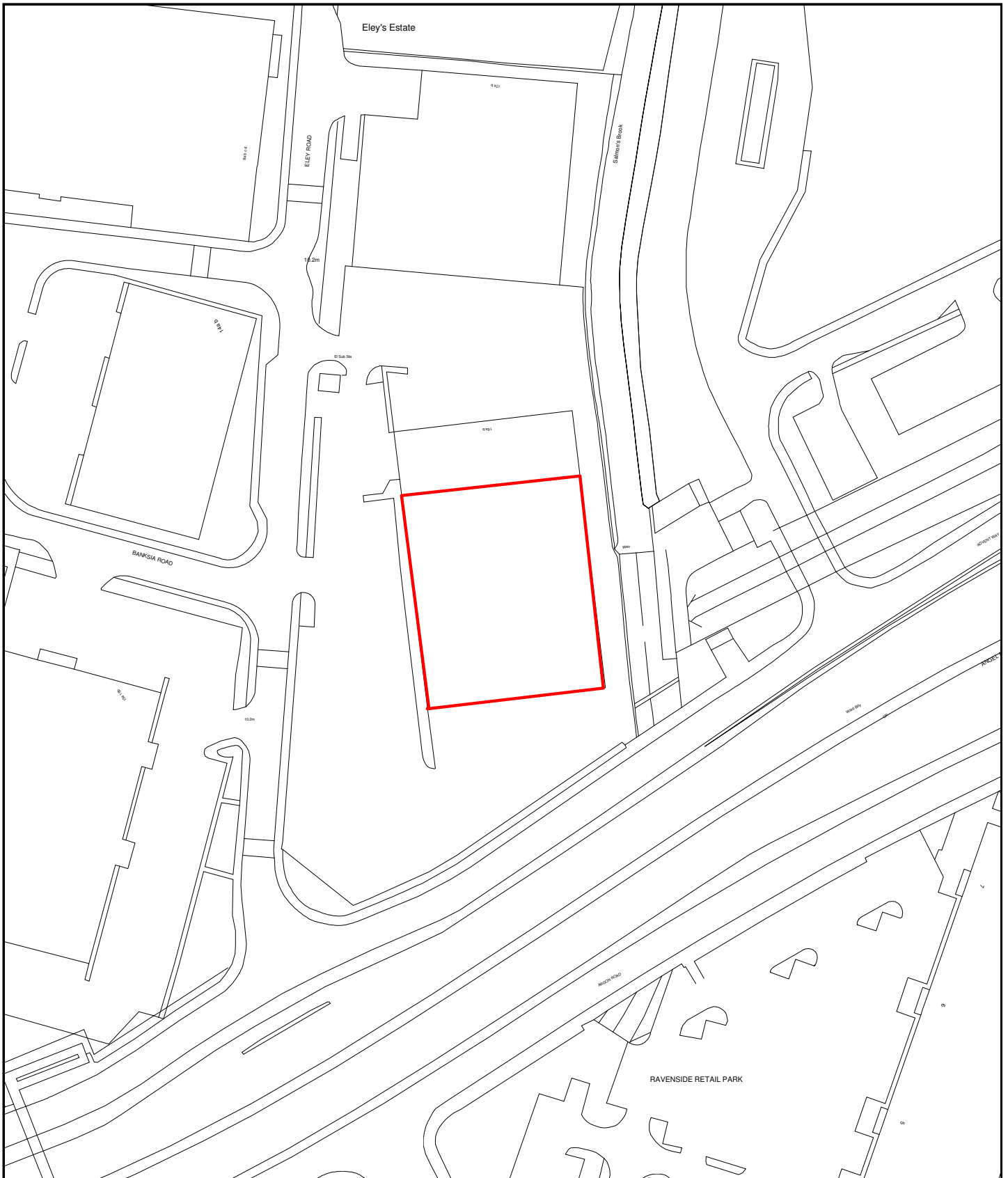
LOCATION: Former MFI Building, 16A Eley Road, London, N18 3BH

PROPOSAL: Variation of condition 1 to allow the use of the premises for the sale of sports equipment.

Applicant Name & Address:
Trustees of the Alpine Retirement Benefits
Scheme
c/o agent

Agent Name & Address:
Mr Peter Keenan
Roger Tym & Partners
7 Soho Square
London
W1D 3QB

RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS



Development Control



Scale - 1:1250
Time of plot: 10:28

Date of plot: 14/11/2011

Note for Members

At the September meeting of Planning Committee, it was resolved to defer consideration of this application due to concerns that the retail assessment and sequential analysis was not sufficiently robust. In particular, there was concern that there was a site available within Edmonton Green, the analysis had not adequately assessed the impact on Enfield Town and other out of centre retail parks. There was also concern that the retail proposal may affect the objectives of Meridian Water regeneration.

Further discussions have taken to place and with reference to the aforementioned concerns, the following points are made:

- there is no alternative site in Edmonton Green. Whilst this would be a preferable location, no premises are currently available. Furthermore, there is no possibility that such premises will become available in either the short or medium term and with regard to the application of any sequential analysis, the lack of any immediately available alternative site means that this consideration cannot be taken into account.
- The information on available site sin Enfield Town has been reviewed and it has been reaffirmed that there is no sequentially preferable site available. The analysis considered sites within and on the edge of Enfield Town
- It is not the function of the planning system to regulate competition between out of centre retail parks and under PPS4, the viability of out of centre retail parks would rarely be a significant material planning consideration
- The existing premises has a retail use albeit, limited to the sale of more bulky goods
- The scale of the retail use is relatively minor having regard to the tests of PPS4 as the floor area is below the threshold of 2500 sq.m above which a retail impact assessment is required
- The retail analysis that was carried out identified sufficient expenditure capacity and limited trade draw from existing centres
- The proposed use would provide employment and reoccupy a vacant unit.

In the light of the above, it is considered that the proposal remains acceptable and approval is still recommended.

1. Site and Surroundings

- 1.1 1.1 The application site lies adjacent to the North Circular (A406) and is accessed off Advent Way. The premises forms part of a small out-of-centre retail park. The retail park has six units, four of which are vacant. The other two are occupied by “bulky goods” furniture stores. The retail park is undesignated but is adjacent to Eley Estate which is designated as Strategic Industrial Land.

1.2 The site lies adjacent to the Meridian Water Master Plan area which is subject to current public consultation.

1.3 The gross floor area of the application building is 2445sqm. The site is within Flood Zone 2.

2. Proposal

2.1 Permission is sought for the variation of condition 1 of planning approval under reference: TP/82/1062 which approved the rebuilding of the warehouse following fire damage.

2.2. Condition 1 restricts the use to predominantly the retail or wholesale of furniture, carpets and flooring, and only for ancillary sales of furnishings, lighting, bathroom equipment and complimentary electrical goods'

2.3 Planning application under reference TP/82/1062 along with its variations in 1986, 1988 and 2002, restricted the types of goods to be sold from the premises to retail or wholesale sale of furniture, DIY articles and paint, flooring, household furnishings/lighting, ancillary household goods and ancillary electrical goods.

2.4 With reference to this, the applicant seeks approval for an additional and wider range of goods to be sold, including sports clothing and footwear, sports equipment (including in connection with team sports, fishing, racket sports, swimming, golf, horse riding, skiing, fitness, hunting and alpinism), camping and hiking goods, bicycle and sliding sport equipment, press industry items (including optics, electronics, clock industry), other ancillary sports related products, and specialist food and drink items'.

2.5 The previous tenants of the premises were MFI, who went into administration in 2009. The future occupier would be Decathlon, part of the OxyLane Group. They brand themselves as a specialist sports equipment retailer and distinguish themselves from sports fashion wear retailers such as JJB and JD Sports. The gross floor space of the application building is 2400m², with a net sales floor space of 1900m².

2.6 Whilst the original and varied permissions relate to whole of Unit 16, this application relates solely to Unit 16a and thus excludes the ex-Carpet Right store at Unit 16B.

3. Relevant planning history

3.1 Planning permission was granted for the whole of Unit 16 (originally known as Unit D) in March 1983 (reference TP/82/1062) and was controlled by Condition 1 that restricted the uses of the premises to 'the storage, wholesale or retail sale of self assembly (flatpack) furniture.

3.2 The original permission for the unit was subsequently amended in 1986 (reference TP/85/1660) and Condition 1 was amended. It restricted the use of Unit D (i.e. the application site) and Unit E (i.e. Unit 17) to 'predominantly the retail or wholesale of furniture, carpets and flooring, and only for ancillary sales of furnishings, lighting, bathroom equipment and complimentary electrical goods'

- 3.3 The original permission was amended for a third time in 1988 (reference TP/88/0397) and Condition 1 was varied to restrict the use to a product list that included 'furniture, DIY articles, flooring, household furnishings/lighting; complementary electrical; ancillary household goods; ancillary electrical goods'
- 3.4 In 1991 permission (reference TP/88/0552) was granted for the rebuilding of fire damaged warehouse in the existing location, and Condition 1 restricted the use to the original unvaried restriction from 1988 'predominantly the retail or wholesale of furniture, carpets and flooring, and only for ancillary sales of furnishings, lighting, bathroom equipment and complimentary electrical goods' (i.e. second bullet point above); However, it has not been possible to establish whether this permission was ever implemented.
- 3.5 A lawful development certificate was issued in 1997 (reference LDC/96/0215) that confirmed the lawfulness of the use of Units D and E (or 16 and 17) to sell furniture, beds and ancillary items.
- 3.6 In 2002, the original permission was varied (reference TP/85/1660/1) for a fourth time to allow the addition of 'and paint colour lab' to the wording of condition 1.
- 3.7 TP/10/1328: Change of use from retail (A1) to banqueting hall involving construction of a mezzanine floor: Granted subject to s106 and conditions 01-Dec-2010.

4. Consultations

4.1 Statutory and Non Statutory Consultees

- 4.1.1 Traffic and Transportation raise no objections to the application given that the applicant has committed to provide a Unilateral Undertaking to provide £20,000 towards the maintenance and improvement of the Greenway cycle route. This is considered necessary to provide for sustainable modes of transport to the premises and mitigate the potential increase in private vehicle trips to the premises.
- 4.1.2 Lee Valley Regional Park Authority and the Environment Agency raise no objections to the application.
- 4.1.3 Economic Development comment that they would normally expect such use to be located in a town centre or an existing established retail park in order to consolidate their health and vitality. The concerns of Planning Policy regarding the lack of rigour in the sequential test although it is noted that our own consultants have confirmed that there is in fact no property of a suitable size is currently available in a more appropriate location. Nevertheless there is concern from an economic development perspective, that approval could set a precedent for other bulky goods units in out of centre locations which could have implication for town centre locations especially Edmonton Green. However, in its favour it is noted that the use would create 39 jobs which is broadly that equivalent to an industrial use of the premises: local people could be retained to fill a high proportion of these. It is also noted that the high on site parking would alleviate any concerns regarding overspill parking and the impact on the adjacent Eley Industrial Estate.

4.14 Planning Policy comment that the proposed Decathlon store is likely to have a wide catchments and thus, the sequential analysis should have paid greater attention to Enfield Town although it is noted our own assessment conducted by WYG confirmed there were no potential sites in Enfield Town. Furthermore, although the conditions recommended are noted, there remains a concern regarding precedent for schemes of a similar nature in the future.

4.1.5 Planning and Regeneration raises concerns over the out-of-centre location of the premises, the lack of identified need for additional floor space, the low public transport accessibility of the site and rigour of the sequential test and the impact on nearby town centres, particularly Edmonton Green and Angel Edmonton. The proposals compliance with Core Strategy and London Plan policy is also questioned as is the focus on regeneration in the centres of Edmonton Green and Angel Edmonton.

4.2 Public

4.2.1 Consultation letters were sent to 8 neighbouring properties. No responses were received.

5. **Relevant Policy**

5.1 Local Development Framework

At the meeting of the full Council on 10th November 2010, the Core Strategy of the Local Development Framework was approved. The document and the policies contained therein are now material considerations to be taken into account when considering the acceptability of development proposals. The following are of relevance:

CP14 Safeguarding Industrial Locations
CP17 Town Centres
CP18 Delivering Shopping Provision across Enfield
CP28 Managing Flood Risk
CP24 Road Network
CP25 Walking and Cycling
CP30 General Development Considerations
CP38 Meridian Water
CP46 Planning obligations

5.2 Saved UDP Policies

After the adoption of the Core Strategy, a number of UDP Policies are retained as material considerations pending the emergence of new and updated policies and development standards within the Development Management Document.

(II) GD3 Aesthetics and functional Design
(II) GD6 Traffic
(II) GD8 Servicing

5.3 London Plan

Policy 2.15 Town Centres
Policy 2.17 SIL

Policy 4.1	Developing London's economy
Policy 4.4	Managing industrial land and premises
Policy 4.7	retail and town centre development
Policy 4.8	Supporting a successful and diverse retail sector
Policy 6.1	Strategic Approach
Policy 6.3	Assessing effects of development on transport capacity
Policy 6.9	Cycling
Policy 6.10	Walking
Policy 6.11	Smoothing traffic flow and tackling congestion
Policy 6.12	Road network capacity
Policy 6.13	Parking
Policy 8.1	Implementation
Policy 8.2	Planning obligations

5.4 Other Material Considerations

PPS1	Sustainable Development
PPS4	Planning for Economic Growth
PPG13	Transport
PPS25	Development and Flood Risk

Enfield's Draft S106 Supplementary Planning Document
Emerging Meridian Water Master Plan
Draft National Planning Policy Framework

6. **Analysis**

6.1 Impact on nearby Town Centres

- 6.1.1 The current unit has an A1 retail use, but which in the nature of goods that can be sold by condition to a list that includes mainly bulky goods such as furniture, carpets, flooring etc. The application proposes to extend the retail offer of these premises, in particular to include specialist sports equipment
- 6.1.2 The site is in an out-of-centre location and thus the proposal is subject to the 'tests' contained within PPS4: Planning for Economic Growth and Policy 17 of the Core Strategy. These, in summary, require that the proposal demonstrates that there are no significant adverse impacts on nearby town centres ("the impact test") and that there are no within town centre or edge-of-centre sites suitable, available and viable for the proposed occupants ("the sequential test").
- 6.1.3 A Study of Town Centres (2007) and Retail Study Update (2009) were carried out to inform the Council's recently adopted LDF Core Strategy. This data has formed the 'baseline' for the assessment of this application (in respect of the Centres within LB Enfield). At this stage in the process only limited weight can be afforded the emerging Master Plan for Meridian Water (although consideration has been given to the implications arising from the current proposal).
- 6.1.4 The main centres to be assessed are Edmonton Green, Angel Edmonton, Chingford (outside LB of Enfield), and Walthamstow Central (outside LB of Enfield). In addition, Enfield Town and Wood Green (outside of LB of Enfield) were only assessed but in lesser detail. In support of the application, a Retail Impact Assessment (RIA) has been carried out by Roger Tym & Partners.

Consultants WYG were retained to assist our consideration and critique the submitted RIA.

- 6.1.5 The RIA concludes that the proposal accords with Core Policies 17 and 18 and EC17 of PPS4 for the following reasons:
- significant expenditure capacity for additional retail floor space in LB Enfield.
 - Decathlon's trading format requires considerable floor space and significant adjacent parking
 - There are limited competing facilities nearby and Decathlon is a specialist retailer, distinct from other sports fashion retailers
 - Taking into account the trading format, there are no sequentially preferable sites that are suitable, available and viable
 - There is no clear evidence that there will be significant adverse impact on investment in town centres, their vitality of viability or their trade / turnover
 - The proposal will provide significant job opportunities for local people
 - The proposal will contribute to the regeneration of the retail park and improve its appearance
- 6.1.6 In response WYG has critiqued the application and RIA. They conclude that whilst the RIA report could have been more detailed in respect of sequentially preferable sites, there are no sequentially preferable sites within the assessed centres including Enfield Town and Edmonton Green.
- 6.1.7 WYG note that the RIA report is based on LA population and expenditure growth and adopts reasonable trade draw assumptions. Furthermore, they consider the analysis as robust and that whilst the applicant's suggested sales density figures could be debated, they consider that the level of disagreement is not material given the overall expenditure capacity identified, as well as the overall turnover of the assessed centres. In conclusion they consider that identified 'need' and 'impact' of the proposal are broadly acceptable.
- 6.1.8 In conclusion, WYG find that there are 'no significant adverse impacts' on nearby town centres as a result of this proposal and that there are no sequentially preferable sites within the assessed centres. On the basis of this assessment, it is considered there are no grounds upon which to refuse this application having regard to retail impact. Moreover, it is felt that any minor harm to nearby town centres would be outweighed by the benefits of the proposal. In particular, the re-use of vacant building; the improvement to the site's appearance; the job opportunities for local residents; the improvement in the vitality and viability of this retail park (which currently suffers from high vacancy); and, the increased choice for consumers. Thus, the proposal is considered to accord with Core Strategy Policies 17 and 18 as well national guidance in the form of PPS4.
- 6.2 Traffic and Parking
- 6.2.1 The site is located in an area with a PTAL of 1b which indicates a low accessibility to public transport. There are a total of 181 car spaces (including 6 disabled spaces shared between units). The proposed Decathlon store will have a gross floor area of 2445m². However an outdoor sales area will result in

15 parking spaces being removed, resulting in 166 spaces. The car park is also shared with Unit A which adjoins Unit B and occupies 530m². The total parking provision is therefore 166 spaces for 2975m² of gross floor space. No details on servicing are shown but these are likely to remain as existing. The site is located close to one of the proposed borough Greenways and also National Cycle Route 1 routes on the London Cycle Network. No cycle parking is shown.

- 6.2.2 The parking requirement for the development based on London Plan (2011) standards is 1 space per 30sqm (for non food retail), which works out at 99 spaces for the whole of the site (units A and B). The provision of 166 spaces is therefore considered more than sufficient. The provision for disabled bays under new London Plan standards is 5% of the total capacity, which works out at 8 spaces. Six disabled bays are being provided which is acceptable as not all the site is being redeveloped. Traffic generation and access are not expected to be above the level for the consented use as no additional floor space or parking spaces are being provided.
- 6.2.3 However, under planning guidance in The London Plan and PPG13 there is a presumption against the development of retail premises in areas of low accessibility, and similarly PPS4 requires preference to be given to out of centre sites that can be accessed by different modes of transport and not just private car. Although the site currently has permission for retail use, the condition restricting the operation to the sale of bulky goods only ensures that the viability of town of centre locations is not compromised. Varying this condition would result in a development that would undermine sustainable town centre locations by encouraging and increasing the number of private car journeys to the site by shoppers who may otherwise have visited local town centres. The development, therefore, appears on its face to be contrary to Policy EC10.2 in PPS4 and Policies 6.1 and 6.13 of The London Plan as well as guidance in PPG13.
- 6.2.4 Should approval be given to vary the condition then private car is still likely to be main modal choice of customers, but this would be because of the low PTAL and not because only bulky goods could be purchased at the site (it is noted that the applicant still wants to limit the sale of goods to sports only, but these are not necessarily bulky items, especially given the range that will be on offer). Therefore some scope exists to increase the potential for trips to be made by sustainable modes of transport to the site, but only if the infrastructure is in place to support them.
- 6.2.5 One way in which this will be achieved in the future is through the implementation of the Greenway running outside the site linking Angel Station to the Waltham Forest. A Greenway is route that can be enjoyed and shared by pedestrians, joggers, cyclists and wheelchair users of all ages and abilities, and once this section is complete then it will increase accessibility to the site and would bring the development into accordance with The London Plan, PPG13 and PPS4. Moreover, Enfield Council's Draft Section 106 SPD requires any retail development over 1000sqm to prioritise sustainable development in terms of any financial contribution.
- 6.2.6 To this end £20,000 has been sought to improve and maintain the Greenway. The applicant has confirmed that a Unilateral Undertaking will be provided shortly to provide this sum. Traffic and Transportation have confirmed that

subject to this Undertaking, the proposal would be acceptable in highways terms.

6.3 Flood Risk

6.3.1 The site lies within Flood Zone 2 (medium probability of flooding), with the building itself classified as Flood Zone 1 (low probability). A Flood Risk Assessment (FRA) has been submitted alongside the application, which considers the proposal acceptable in flood risk terms. It is noted that the proposal would not alter the 'vulnerability' of the development/use. The Environment Agency has raised no objections to the proposal. It is not considered that the proposal would increase the risk or severity of on-site or down stream flooding and thus is acceptable in flood risk terms.

6.4 Impact on the Eley Industrial Estate (SIL)

6.4.1 The site is located just outside of the Eley Industrial Estate which is designated in the London Plan and Enfield's Core Strategy as Strategic Industrial Land. Given the assessment in section 5.2, the proposed use is considered to benefit from sufficient parking to ensure that overspill parking onto Advent Way would not occur (and thus harm the free flow of traffic into the Estate). Thus, the proposal is considered to have no adverse impact on the function of the adjacent Strategic Industrial Land.

6.5 Impact on neighbouring residential properties

6.5.1 The premises is over 500m from the nearest residential property and is not considered to harm the amenities of nearby residential properties, with particular consideration of noise and disturbance.

7. **Conclusion**

7.1 The proposal is not considered to unduly harm the vitality or viability of neighbouring shopping centres, in particular Edmonton Green and Angel Edmonton and no sequentially preferable sites have been identified. Moreover, the proposal re-uses a vacant building in an out-of-centre retail park with high vacancy and provides significant employment opportunities for local people. The Unilateral Undertaking to provide £20,000 to improve and maintain the Greenway route is considered to improve the accessibility of the site for sustainable modes of transport.

8 **Recommendation**

8.1 That planning permission be GRANTED subject to the following conditions.

1. The development hereby permitted shall be carried out in accordance with the approved plans, as set out in the attached schedule which forms part of this notice.

Reason: For the avoidance of doubt and in the interests of proper planning.

2. The premises shall only be used for the retail or wholesale sale of furniture, DIY articles and paint, flooring, household furnishings/lighting, ancillary household goods and ancillary electrical goods, sports clothing and footwear, sports equipment (including in connection with team sports, fishing, racket sports, swimming, golf, horse riding, skiing, fitness, hunting and alpinism), camping and hiking goods, bicycle and sliding sport equipment, press industry items (including optics, electronics, clock industry), other ancillary sports related products, and specialist food and drink items.

Reason: To safeguard the vitality and viability of nearby shopping centres.

3. The premises shall be occupied as one business unit and shall not be subdivided and occupied by separate businesses unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development complies with the adopted parking and servicing standards.

4. The parking area(s) forming part of the development shall only be used for the parking of private motor vehicles and shall not be used for any other purpose.

Reason: To ensure that the development complies with Development Plan Policies and adopted parking and servicing standards.

5. No more than 5% of total net sales floorspace shall be given over to the sale of food and drink.

Reason: To safeguard the vitality and viability of nearby shopping centres and minimise the number of unnecessary trips by unsustainable modes of transport.

6. The total net sales floorspace shall be no more than 1917sqm, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the vitality and viability of nearby shopping centres.

7. No additional net sales floorspace shall be created through the addition of a mezzanine floor.

Reason: To safeguard the vitality and viability of nearby shopping centres.

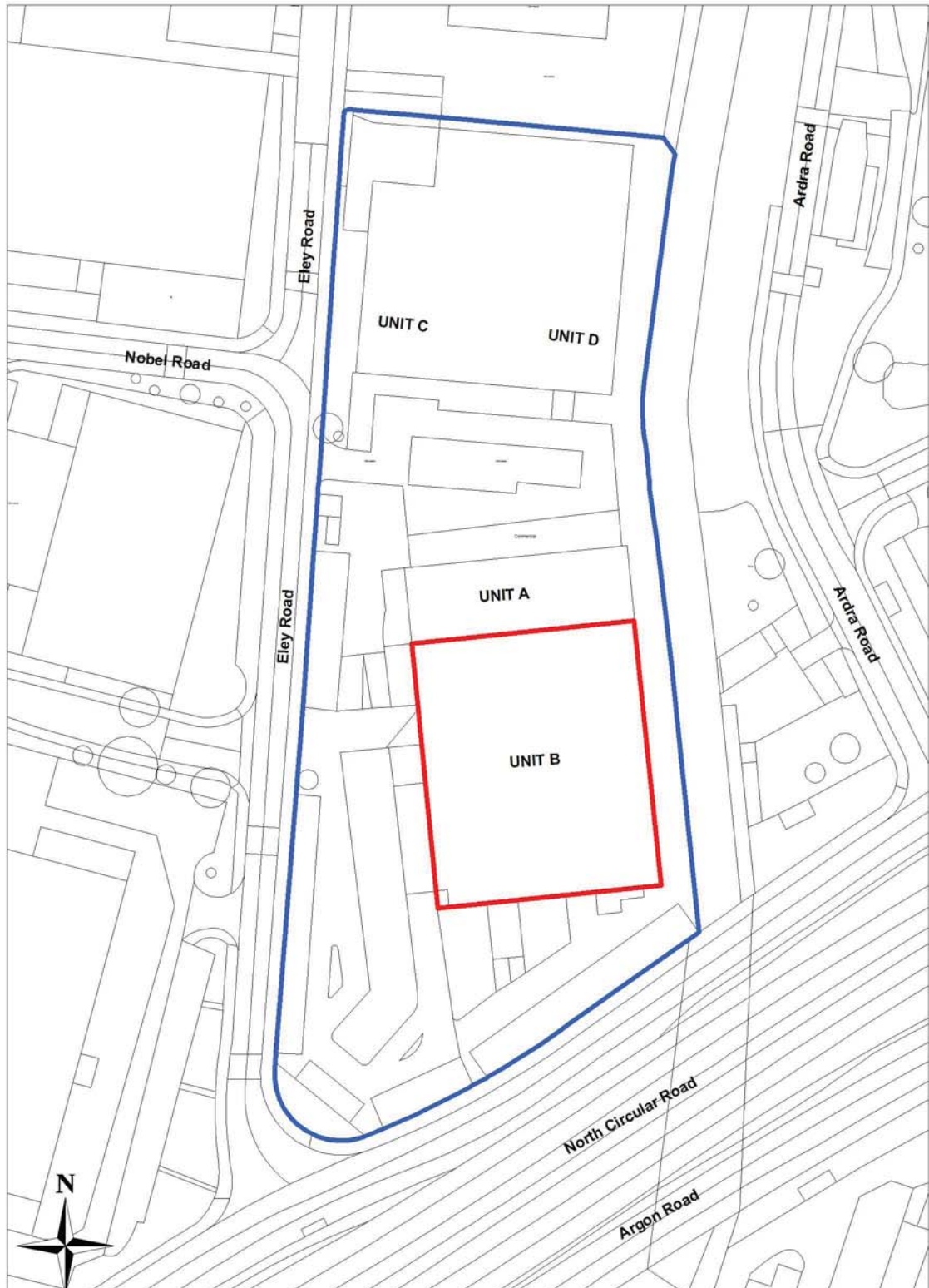
8. That the premises shall not be amalgamated with any other premises, including the adjoining 'ex-Carpet Right' Store at No.16B Eley Road.

Reason: To safeguard the vitality and viability of nearby shopping centres and ensure the development complies with adopted parking and servicing standards.

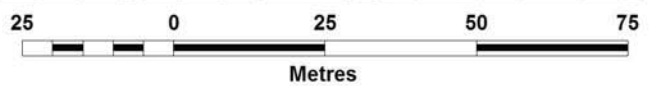
9. C51A – Time limited permission (3 years)

Eley Road Retail Park Edmonton

1:1250 Scale (A4)



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Salmon's Brook
Wei



Unit D

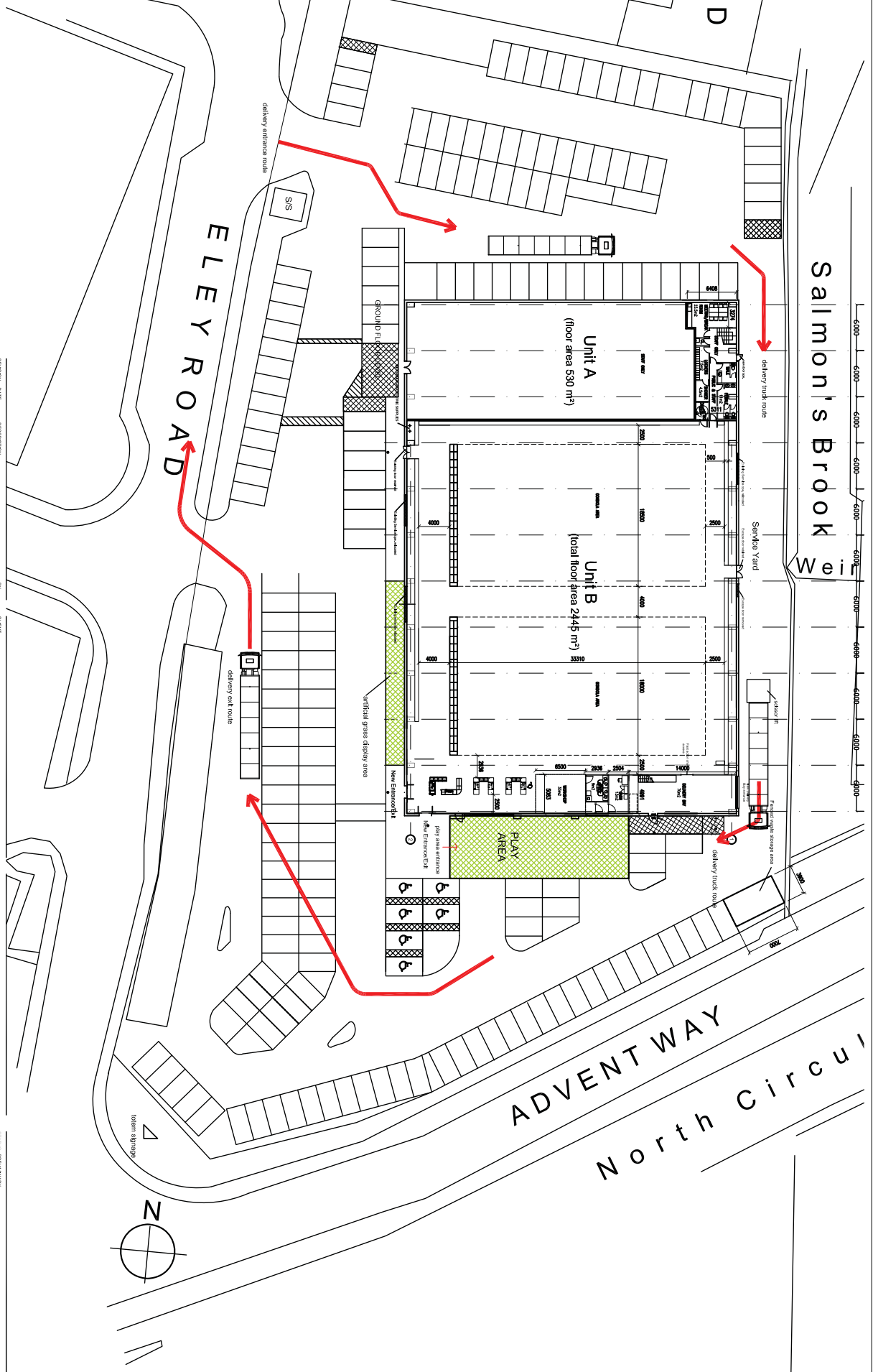
Unit C

Unit A
(floor area 530 m²)

Unit B
(total floor area 2445 m²)

ADVENT WAY
North Circu

ELEY ROAD



REVISION	DATE	DESCRIPTION	BY	CHECK
A	25.02.11	PLAY/SPORT AREAS ADDED TOTAL SQUARE ADDED INTERNAL PLAN UPDATED DELIVERY ROUTE INDICATED	MF	
B	25.02.11	PLAY/SPORT AREAS ALTERED SENSOR LIFT REINSTATED BUILDING ENTRANCE AMENDED	MF	
C	25.02.11	DISPERSED PARKING WAVED SCISSOR LIFT AND ELEVATORS TO ENDS ADDED	MF	

NOTES



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DATE: 14.02.11 SHEET NO: 43 DRAWN BY: MF CHECKED BY: MF DATE: 14.02.11
PROJECT NO.: 03/011
DRAWING: C
SITE PLAN AS PROPOSED
DRAWING: 3171 (03) 011
PROJECT: Decathlon Store Feasibility
LOCATION: Eley Retail Park, Edmonton
SCALE: 1:500
DATE: 14.02.11