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<th>Barking and Dagenham Council Development Control Board</th>
<th>Date: 15 January 2018</th>
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<tbody>
<tr>
<td><strong>Application Number:</strong> 17/01594/FUL</td>
<td><strong>Ward:</strong> Valence</td>
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<td><strong>Reason for Referral to DCB as set out in Part 2, Chapter 9 of the Council Constitution:</strong> The application is recommended for approval and over 35% of the frontage of the Neighbourhood Shopping Centre would be in non-retail use.</td>
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<td><strong>Address:</strong> 445-447 Becontree Avenue, Dagenham, RM8 3UL</td>
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<td><strong>Development:</strong> Change of use of shop to car showroom</td>
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<td><strong>Applicant:</strong> Mr A Z Bahar</td>
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<td><strong>Contact Officer:</strong> Mark Sleigh</td>
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<td><strong>Title:</strong> Development Management Officer</td>
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<td><strong>Contact Details:</strong> Tel: 020 8227 3822 E-mail: <a href="mailto:mark.sleigh@befirst.london">mark.sleigh@befirst.london</a></td>
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**Summary:**

The application property is a ground floor commercial property which is currently vacant and was previously used as a community centre (without planning permission). Prior to this it was used as a Blockbuster video store (Class A1). The property is a prominent corner unit on the junction of Becontree Avenue and Valence Avenue and is located within the Andrew’s Corner Neighbourhood Centre. The application seeks permission for the change of use of the shop to a car showroom.

At present, 35.6% of the neighbourhood centre frontage is in use or has planning permission for non-A1 use. Should the proposed use be granted, this would increase to 47% which would significantly exceed the 35% limit sought by Policy BE1. It is however noted that the application site is currently vacant and has not been in use for retail purposes for approximately 4 years.

In support of the proposed change of use, the applicant has provided marketing evidence stating that the property has been marketed for approximately 8 months at a reasonable rent. The owner has received offers solely from places of worship which have been refused as the owner is concerned about the impact of such uses on car parking availability and the high visitor volumes that may be generated. The owner’s estate agents state that the only credible offer which has been received is that of the applicants.

Vehicular access would be from the rear of the premises and a condition is proposed requiring the installation of bollards around the shop forecourt to prevent vehicles from entering/exiting the site from the front which would be dangerous to pedestrians and vehicles alike.

**Recommendation:**

That planning permission be granted subject to the following conditions:
1. The development permitted shall be begun before the expiration of three years from the date of this permission.

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

2. The use hereby permitted shall be carried out in accordance with the following approved plans: Site Plan, Vehicle Access Plan.

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

3. The use hereby permitted shall not be commenced until there has been submitted to, approved in writing by the Local Authority and implemented in full, a scheme showing the installation of bollards spaced at 1.7 metres intervals on the boundary of the forecourt of the application site. The bollards shall thereafter be retained.

   Reason: In order to stop vehicles using the footway to drive onto the forecourt in the interests of pedestrian and vehicular safety in accordance with Policy BR10 of the Borough Wide Development Policies Development Plan Document.

4. The use hereby permitted shall not take place other than between the hours 9:00am and 19:00pm Monday to Saturday and 10:00am and 16:00pm on Sundays and Bank Holidays.

   Reason: To prevent the use causing any undue disturbance to occupants of neighbouring properties at unreasonable hours and in accordance with policy BP8 of the Borough Wide Development Policies Development Plan Document.

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1. **Introduction and Description of Development**

   1. The application property is a ground floor commercial property which is currently vacant and was previously used without planning permission as a community centre and prior to this was a Blockbuster video store (Class A1). The property is a prominent corner unit on the junction of Becontree Avenue and Valence Avenue and is located within the Andrew’s Corner Neighbourhood Centre. The application seeks permission for the change of use of the shop to a car showroom.

2. **Background**

   2.1. 89/00599/TP - Sub-division of existing Class A1 shop premises including the installation of new shop fronts to retain the use of two Class A1 units and change of use of one to Class A3 hot food shop on ground floor with 3 office units above – Permitted

3. **Consultations**

   3.1. a) Neighbours/Publicity

      18 neighbours were consulted on 19 October 2017 and a site notice was put up outside the entrance on 8 November 2017. No responses were received.
b) Transport Development Management Officer

Provided the proposed barrier is acceptable and it is conditioned, we have no objections.

4. Local Finance Considerations

4.1 The application is not subject to the Mayor of London and Council’s Community Infrastructure Levy (CIL) as the proposal involves a change of use.

5. Equalities Considerations

5.1 The Equality Act 2010 requires the Council to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it in the exercise of its functions. This application does not have any implications for equality considerations.

6. Analysis

6.1 Principle of Development

6.1.1 Policy BE1 of the Borough Wide Development Policies DPD relates to the protection of retail uses. The policy seeks to retain A1 retail as the predominant use in the neighbourhood centre. Class A2-A5 uses are restricted to a maximum of 35% of the measured frontage of the neighbourhood centre. Although A2-A5 uses are the only uses specifically cited by the policy, uses which fall outside of these classes (such as the application proposal which is ‘sui generis’ (in a class of its own)) may also be considered against the policy as they have a similar impact to other non-retail uses.

6.1.2 At present, 35.6% of the neighbourhood centre frontage is in use or has planning permission for non-A1 use. Should the proposed use be granted, this would increase to 47% which would significantly exceed the 35% limit sought by Policy BE1. It is however noted that the application site is currently vacant and has not been in use for retail purposes for approximately 4 years. The previous tenancy for Harmony Christian Centre was unlawfully taken up approximately 2 years prior to this current application and the tenancy has since ended.

6.1.3 Policy BE1 also states that exceptions may be made where it is shown that the A1 unit is no longer viable for retail purposes (and there is no reasonable prospect of reuse) despite attempts (over at least 12 months) to market it at values prevailing in the centre.

6.1.4 The applicant has provided details showing that the application site was marketed from 19 March 2017 until 13 November 2017 when the applicant took over the tenancy on a one-month exclusive period while the planning application is determined. During the marketing period of approximately 8 months, the property was marketed on Co-Star, Gumtree and Rightmove with an offer of £2,080pcm. The Council’s Property Services Team have stated that the offer is reasonable for a retail use in this location.
6.1.5 The owner has received offers solely from places of worship and has refused these due to concerns about the volumes of car parking and people that could be generated by such uses. The owners’ estate agents states that the only credible offer which has been received is that of the applicants.

6.1.6 Therefore it is considered that the applicant has demonstrated that the premises are not currently attractive to retail users and that, although the full 12 month marketing period has not elapsed, it is unlikely that a retail user would be found in the near future. On balance, it is considered that the proposed use is acceptable in the circumstances.

6.2 **External Appearance**

6.2.1 Policy BP11 of the Borough Wide Development Policies DPD sets out the principles which should be applied to the design and layout of new development in order to achieve a good standard of design.

6.2.2 The application does not propose any external alterations to the property with exception of creating space in the rear wall for vehicles to access the property from the rear. This would not impact upon the external appearance from the street.

6.2.3 The applicant has confirmed there will be vehicles parked on the forecourt of the site during opening hours and when the unit is closed. The vehicles will all be accessed through the rear of the shop and a condition is proposed requiring that bollards are installed at the edge of the forecourt to avoid vehicles accessing the forecourt from the footway.

6.3 **Highways Matters**

6.3.1 Following consultations with the Council’s Transport Development Management Officer it was made clear to the applicant that a vehicular crossover from either Becontree Avenue or Valence Avenue would not be acceptable in the future due to concerns regarding pedestrian and vehicular safety. The applicant has confirmed that vehicular access to the shop will be gained through the rear of the premises.

7. **Conclusion**

7.1 It is considered that the principle of using the shop as a car showroom is acceptable and broadly in line with the relevant Local Plan policies. The applicant has provided marketing evidence showing that the property has been marketed for a reasonable period of time at a suitable rent and that no offers from retail users have been made. The application property is a large unit with a frontage measuring 30 metres and is prominent located in the Andrew’s Corner Neighbourhood Centre. Its use as a car showroom would ensure the unit is occupied and does not remain vacant which can have a detrimental effect on the vitality and viability of the shopping centre.

**Background Papers**

- **Local Plan Policy**
Borough Wide Development Policies DPD

Policy BE1 – Protection of Retail Uses
Policy BR10 – Sustainable Transport
Policy BP8 – Protecting Residential Amenity
Policy BP11 – Urban Design

• National Policy and Guidance

National Planning Policy Framework

National Planning Practice Guidance