

ASSEMBLY

20 July 2011

JOINT REPORT OF THE CORPORATE DIRECTOR OF CUSTOMER SERVICES AND CORPORATE DIRECTOR OF FINANCE AND RESOURCES

Title: Response to Petition – 67 East Street, Barking	For Information
<p>Summary:</p> <p>The Council has received a petition containing 210 signatures from 101 separate addresses in the borough objecting to the opening of a second jewellers and pawnbrokers in Barking Town Centre.</p> <p>In accordance with the Council’s Petition Scheme, the lead petitioner, Mr Erturk, has been invited to the meeting of the Assembly to present the petition.</p> <p>The petition states:</p> <p style="padding-left: 40px;">“We the undersigned attended the demonstration in Barking Town Centre on the 24th January against the opening of another Pawnbrokers and Jewellers in the area. (See Planning No. 10/01060/FUL from Albemarle and Bond Pawnbrokers & Jewellers)</p> <p style="padding-left: 40px;">We believe it is unfair to allow another Jewellers and Pawnbrokers to open next door to a long standing trader whilst another pawnbroker is bad for Barking’s public image.”</p> <p>Wards Affected: Abbey</p>	
<p>Recommendation(s)</p> <p>The Assembly is recommended to:</p> <ul style="list-style-type: none">(i) agree the outcome of the investigations regarding the petition; and(ii) note the action taken by Officers.	
<p>Reason(s)</p> <p>Under the Council’s Petition Scheme as set out on the Council’s web site petitioners, are entitled to a debate at full Assembly if the petition has the support of 100 or more signatures from different addresses in the borough.</p> <p>As this petition reaches that threshold it has triggered the requirement for a debate at Assembly.</p>	
<p>Comments of the Chief Financial Officer</p> <p>No specific comments</p>	

Comments of Legal Services

The control of the use of premises is a planning function. The uses of premises are set out in the Town and Country Planning (Use Class) Order. Although a good mix of retailers in a prime shopping site would achieve a vibrant and lively town centre, the fact that two premises in the same parade are offering similar goods for sale is not a valid planning consideration. Furthermore the question as to whether a premises contributes or not to a perceived public image of the town centre is also not a planning consideration.

Cabinet Member: Cllr Alexander	Portfolio: Cabinet Member for Crime Justice and Communities	Contact Details: Tel: 020 8724 2892 E-mail: jeanette.alexander@lbbd.gov.uk
Cllr McCarthy	Cabinet Member for Regeneration	Tel: 020 8724 8013 E-mail: Mick.mccarthy@lbbd.gov.uk
Head of Service: Trevor Prowse	Title: Interim Divisional Director of Environmental and Enforcement Services	Contact Details: Tel: 020 8227 5680 E-mail: Trevor.prowse@lbbd.gov.uk
Head of Service: Jeremy Grint	Title: Divisional Director of Regeneration	Contact Details: Tel:020 8227 2443 E-mail: Jeremy.grint@lbbd.gov.uk

1. Background

- 1.1 In December 2010 a planning application was received from Albemarle and Bond plc for a change to the shop front at the premises as part of a proposal to open a jeweller/pawnbroker at the premises. As part of the routine application process premises in the vicinity were consulted about the proposal. The adjacent shop at 1 London Road is occupied by the lead petitioner, Mr Erturk, who trades as Turquoise Jewellery. Mr Erturk objected to the premises at 67 East Street being taken over by a jeweller and pawnbroker and organised a demonstration in Barking Town Centre on 24 January 2011 at which 210 members of the public signed a petition.
- 1.2 Planning permission was approved for the changed shop front on 1 February 2011 and the business has subsequently commenced trading.
- 1.3 The premises has an existing planning permission for use as a retail shop. Any retail use will fall within this category, including that of a jeweller. For the past few years the premises was occupied by a company selling domestic appliances. The change to selling jewellery is not a material change of use in planning terms and therefore it is not something that requires a fresh application for planning permission. In this case the aspect of the pawnbroker activity has added a degree of complexity. This at least in part hinges on the relative levels of trade for the two

parts of the business, if the business operated predominately as a pawnbroker the activity could constitute a material change of use.

- 1.4 Overall the premises have a good sized retail display area fronting onto East Street which helps maintain the vitality and viability of the shopping area. In the circumstances that so far present themselves, officers' view is that the premises in the main have the appearance of a jeweller.
- 1.5 On 5 May 2011 a meeting was held between the occupier of the neighbouring business (Mr Erturk), and Planning officers. A number of issues were discussed and the planning situation was explained to Mr Erturk. It was pointed out that the planning controls do not take account of commercial competition matters and therefore planning permission could not be refused on the grounds that there were too many shops in one area of one type or another. Mr Erturk then directed his concerns regarding the location of a pawnbroker in this location and the impact it had on the image of Barking and of the moral/ethical issues surrounding the nature of the business. Moral and ethical issues are not, however, material considerations that can be given any weight in determining a planning application.

2. Conclusion

The petition has been organised by an existing retailer that may well experience a greater degree of competition following the commencement of trading by the premises. It is not considered that the petition raises issues that are fresh to the overall planning and enforcement picture. Officers will, however, monitor the situation including reviewing the balance of trading between that of a jeweller and the pawnbroking activity, and take such action as maybe required should circumstances change.

3. Financial Issues

- 3.1 There are no specific financial implications associated with this petition report.

4. Legal Issues

- 4.1 The facts as presented indicate that the premises identified in this report are being used in accordance with the Town and Country Planning (Use Class) Order. Legal Services will continue to work with their colleagues and will advise on options for action should there be a material change in circumstances.

Background Papers Used in the Preparation of the Report:

Local Development Framework and associated documents