



**MARTIN
ROBESON**
*P L A N N I N G
P R A C T I C E*

*Town Planning Consultants
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■ INTRODUCTION

Martin Robeson Planning Practice is based in Central London and provides a town planning consultancy service across the whole of the United Kingdom. It specialises in major commercial, retail and large scale residential development including mixed use schemes.

Martin Robeson established the firm in April 2005 following extensive consultancy (as Littman & Robeson from 1994) and earlier client experience. The firm has eight fee earners with experience of major retail, commercial and residential development. The firm is independent and is active only on town planning instructions.

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■ PHILOSOPHY

The firm is proud of its ability to bring innovative solutions to complex planning problems. These are almost always for commercial clients including major landowners, property developers, financial institutions, house-builders and operators such as retailers. The focus is on using the planning system to secure solutions that are tailored to client's needs and aspirations.

Clients recognise that the firm is different from its competitors. It thrives on working hard on ways to say "yes". It is therefore at its most effective when developing innovative strategies to secure difficult to win planning permissions. The firm adopts a highly forensic, research based approach in generating and considering information. It believes that possessing detailed knowledge (of a better quality than that held by the planning authority) and applying it effectively to clearly thought out strategies, inevitably achieves results.

Martin Robeson's earlier experience as a client (a major food retailer's Director of Town Planning) drives an effective customer service approach. The business always responds to clients' individual needs rather than offering a standard approach. All staff have been carefully selected in order that their work reflects the businesses firmly held beliefs. Any delegation of work is discussed with clients and, as necessary, monitored to ensure that it meets the firm's exacting standards.

The three objectives applicable to everyone in the firm are to deliver work that is:

- ◆ of the best quality
- ◆ delivered quickly
- ◆ at a competitive cost

■ EXPERTISE

The firm is primarily involved with larger scale commercial, retail and residential development opportunities.

Initial Advice

The firm provides planning advice on the prospects of success and on the best strategy to be adopted in securing a satisfactory planning permission. The firm will provide a comprehensive appraisal so that client exposure to uncertainties and risk is reduced.

Planning Applications

The firm can help identify the most appropriate experts eg. transport consultants, architects, hydrologists, archaeologists and landscape consultants to create an effective team and manage them to provide full justification for proposals. We will challenge the content of other team member's reports and assessments to ensure they are robust and comprehensive. The firm can also coordinate the production of Environmental Statements.

The firm is experienced in producing Retail Assessments, Economic Appraisals, Employment Land Availability Reports and Design Statements to support the submission of planning applications. The firm prides itself in not adopting a standard model to such assessments, concentrating on how the client's aspirations can be accommodated in the context of prevailing policy and having regard to local issues.

The firm uses all possible appropriate opportunities to influence the consideration of submitted planning applications. This includes through meetings with officers and briefing of members, local groups (including Town Councils), the media and other relevant consultees.

It has experience of producing effective text for brochures, copy for press releases and exhibition material.

The importance of ensuring adequate briefing of Planning Committee and other relevant members is fully understood. The firm is adept at undertaking this work or liaising with other advisors. Martin Robeson and other senior fee-earners have considerable experience of speaking at public and Council meetings.

Planning Appeals and Inquiries

Where an appeal is necessary, the firm is experienced in managing the process with the Planning Inspectorate, can often negotiate inquiry slots outside the normal process and will coordinate and manage the necessary team. Appropriate advocates can be identified and Counsel effectively instructed and briefed to appear at inquiries. For more straightforward cases, suitable fee-earners can act as advocates.

The firm provides witnesses for planning inquiries. It ensures that evidence fully addresses all potential issues. Witnesses are experienced in getting the most out of their evidence in chief and maintaining and developing their position in cross-examination. Martin Robeson has appeared at well over 100 inquiries. He has also acted as an appointed Expert to the High Court and Court of Sessions (in Scotland) on various planning and retail disputes and has participated in related conciliation sessions.

Local Development Documents

Either as part of progressing live development projects or in protecting or advancing land owners' or operators' positions, comprehensive representations are made to emerging Local Development Frameworks and related Documents. A comprehensive and holistic approach is adopted to afford the best prospect of securing change to meet clients' requirements.

The firm will often seek to influence the content of Documents before they are subject to public consultation. As necessary, this can involve briefing relevant members and working closely with officers.

■ FEEDBACK

Here are some of the unsolicited “thank you’s” we have received:

“What a fantastic result and well done to all of you for some hard lobbying” – Chris McCann, Tesco Stores Ltd

“Thank you very much indeed for all your help and support with the inquiry and for your excellent efforts in presenting the case from an evidential point of view on our behalf” – Michael Barlow, Hook Norton Football Club

“Thanks so much for your usual prompt response” – Wendy Back, Oadby & Wigston Borough Council

“Thanks Martin, exactly what we wanted” – Simon Williams, Thames Water Property Ltd

“Well done and fingers crossed” – Malcolm Edge, B&Q Plc

“Thank you for your persistence and hard work. I know it has been somewhat challenging at times, but we got there in the end. It is really appreciated” – Mark Lambert, Hartwell Plc

“Thank you for your well researched report and its timely production” – James Hill, Broadland Properties Ltd

“Thank you for all your hard work on this” – John Steel QC

“In the context of sources of future retail planning advice, there are consultants we will always remember and those we will never forget. I’m pleased to say, from my perspective, you fall into the first category” – Brian Davies, Stoke City Council

“Well done Martin, and thank you for the prompt update” – Becky Marshall, B&Q Plc

“Thank you for the level of support provided not just in relation to the case but also with all the practical arrangements” – Martin Kingston QC

■ CLIENTS

These are some of our current clients:

Tesco Stores Ltd
Slough Estates Plc
Castlemore Securities Ltd
Helical Bar Plc
Madford Developments Ltd
The Newcombe Estates Company Ltd
ING RED UK (Projects) Ltd
HTC Healthcare Plc
Persimmon Plc
Miller Homes Ltd
Hartwell Plc
Cardinal Lysander Group
Thames Water Properties Ltd
Walsall Metropolitan Borough Council
B&Q Plc
Britton Construction Ltd
Corporate Investments Ltd
The Raven Group
Broadland Properties Ltd
ZEDHomes

■ CASE WORK

Former Caxton Printing Works, Beccles Tesco Stores Ltd

An innovative solution to creating retail need and working with local groups to resolve issues.

A study of the retail environment revealed little capacity for more convenience goods floorspace to support this edge of centre, supermarket proposal. An innovative retail argument was therefore developed. This involved the transfer of trade from competitor's floorspace which, it was demonstrated, would enhance the town centre's health. Planning permission in outline was, as a result, granted promptly and call in avoided.

The subsequent design submissions and proposals for a petrol station were the subject of sustained opposition from the Town Council and local residents. This arose from the site being bounded by residential properties and adjoining a conservation area. Despite securing officer support for the reserved matters and petrol station, members deferred the access and design details and initially refused the petrol filling station application.

We then led meetings with the Town Council and with representatives of local residents. Through this process, the proposals were better understood and we were able to recommend limited amendments to each element of the scheme to secure consensus. All elements were then approved.

Brook Retail Park, Clacton-on-Sea Britton Construction Ltd

Major out of town retail proposals achieved following comprehensive research and a firm strategy.

Whilst a major out of town food and non-food retail park in the countryside on the northern edge of Clacton had been promoted by the Council through its emerging Local Plan, the 1996 rewrite of PPG6 led to the scheme's deletion from the nearly adopted Plan.

We subsequently promoted a smaller scheme for 120,000ft² of retail warehousing, a petrol station, leisure box and two restaurant units. To compensate for the loss of countryside, 14 ha of adjoining land was offered as a country park.

We demonstrated a very substantial need for the new retail floorspace and that no other sites were available. Whilst the Council and the Secretary of State rejected the first proposal, a further scheme, with amendments but the same retail floorspace, was granted planning permission by the Secretary of State. He agreed that the substantial retail need (together with the lack of any other suitable sites) and the provision of a country park, outweighed the loss of the countryside.

We managed the whole planning process including a very effective critique of the Council's consultant's retail study, negotiating an acceptable new bus service to the site with the County Council and a local operator and instructing leading Counsel.

Following the grant of planning permission and the establishment of retail use in this countryside location, half of the site was promoted as a superstore to be occupied by Tesco. Clacton on Sea already contained a number of town centre and edge of centre superstores. Demonstrating capacity for additional floorspace in an out of centre location therefore posed a significant challenge. An innovative argument was required which involved a further critique of work produced by the Council's retail consultant.

A well structured, household survey questionnaire secured robust results about local shopping habits. This allowed us to quantify the various significant sources of expenditure leakage from stores located within and on the edge of Colchester and the quantum that could be recovered. We developed and maintained a positive working relationship with the Council's officers and members, including through the briefing of relevant politicians. This helped to obtain the Council's support for the proposals. We then worked hard to ensure that the application was not called in by the Secretary of State.

Oakwood Business Park, Clacton-on-Sea Britton Construction Ltd

Greenfield employment scheme secured against competing sites and complex reserved matters managed.

The Council was faced with competing sites to accommodate a large part of its Structure Plan, employment land requirement. We successfully promoted our client's interest on a 16 ha greenfield site. This was then documented in a Council produced Planning Brief.

We subsequently translated the Council's position into an outline planning permission. To achieve permission it was necessary to gain support from the strategic planning authority (Essex), manage the removal of archaeological constraints, establish a landscape strategy, and coordinate the resolution of highway issues. We also negotiated an extension to an existing bus service (with appropriate implementation triggers). Despite the greenfield location, the Secretary of State did not intervene probably because of the justification that all this work provided.

The reserved matters application for 450,000ft² of B1/B2/B8 space was delayed to within a day of the three year deadline. The submission had, therefore, to be 100% correct in order not to risk voiding the permission. It also needed to reflect potential market interest. We coordinated the submission of a considerable volume of design and landscape drawings, reviewing everything against the outline permission's conditions and negotiated with the Council to secure permission ahead of the Council's target date.

Oak Street, Fakenham
Tesco Stores Ltd

An innovative approach to justifying retail need and working with local groups to resolve other issues.

Tesco had unconditionally bought an edge of centre, former employment site in this market town. The town already contained two out of town superstores and a town centre supermarket. Our research demonstrated that there was little capacity for further convenience goods floorspace. It was clear that an approach that differed from a normal quantitative capacity assessment would be required to satisfy relevant policy tests.

The planning application was therefore supported by a retail assessment that promoted the benefits that would be delivered to the town centre. The retail need therefore arose from the diversion of shopping trips to this edge of town centre location, the consequent extension of choice in the centre and the opportunity for residents to shop for food without necessarily relying on the car.

Our arguments were accepted and supported by the County Council's retail policy advisor. This was despite the District Council receiving advice from its own consultants that there was little capacity for the floorspace proposed.

There was, however, a strong local lobby against the proposal. By addressing several, well attended public meetings, including those jointly organised with the Town Council and Chamber of Commerce, the justification for the scheme was recognised by many. Planning permission was subsequently granted.

Park Farm Industrial Estate, Folkestone
Madford Developments Ltd

Ensuring that a called in retail proposal stood the best prospect of success.

The proposal was for a B&Q mini Warehouse on the site of a vacant employment building in an out of centre, industrial area.

Following objections from the Council's planning policy and economic development officers, we put a detailed justification of the retail and employment policy arguments to the development control case officers. This led to a recommendation for approval based on the need for and benefits arising from the retail development outweighing any harm to the loss of employment land.

The application was, however, called in by the Secretary of State. We then worked hard to ensure that the local planning authority presented a strong, consistent case at the inquiry. We led the Council's consultants in terms of documenting very detailed agreed statements on all relevant issues.

The inspector's recommendation to approve the application was accepted by the Secretary of State. Whilst the inspector remarked that our sequential approach had been "*unrealistically flexible*", the Secretary of State considered that multi-storey development should have been considered even though our evidence had demonstrated it not to be viable in Folkestone. This illustrated why it was necessary to be sensitive to the potentially unpredictable nature of some Secretary of State decisions.

Brett Works, Hadleigh Tesco Stores Ltd

Addressing a wide range of complex issues and keeping decision makers briefed, secures a retail allocation in a sensitive location.

The site, whilst close to the town centre, was located partly within a flood plain on meadow land and adjacent to an important conservation area. Access to the High Street was difficult to achieve without harming the historic character of the area.

Officer support was however secured for the supermarket and access proposed. But an alternative, out of centre site, was preferred by members. We secured the call in of this competing application. At the inquiry we established quantitative need for a proposed supermarket (despite sustained opposition from a locally established competitor) and persuaded the Secretary of State of the harm the alternative site would cause to the town centre. Our client's site was preferred but access to the High Street conflicted with conservation issues.

Notwithstanding the Secretary of State's decision, local groups lobbied members who initially chose to make no allocation in the emerging Local Plan. Subsequently, they promoted the alternative, out of centre site.

Through the coordination of a comprehensive package of reports and assessments into all the issues (including flood risk, archaeology and a revised highway access solution), we maintained officer support. With effective briefing of members, we eventually secured the allocation of our client's site as a Pre-Inquiry Change. The amended proposal did, however, require third party land and was subject to a series of inappropriate requirements (including the provision of 1 ha of public open space).

By objecting to these requirements, we were able to appear at the Local Plan Inquiry and promote the supermarket allocation against local interests who remained opposed to it. The various technical reports and assessments helped satisfy the inspector of the appropriateness of the allocation. He recommended the removal of most of the unreasonable requirements. He responded positively to our request that the policy should make specific reference to the possible requirement for the Council to use CPO powers to secure any necessary third party land. Council members have now accepted the allocation with appropriate criteria including the specific reference to the use of CPO powers.

Throughout the project we ensured that appropriate information was available to officers and decision makers in order to address a wide range of matters being raised by local interest groups.

Barnet Road, London Colney – Sainsbury's Supermarkets Ltd

Open A1 retail park secured on Green Belt land facilitating occupation by Marks & Spencer and mezzanine floors doubling up remaining permitted space.

Sainsbury's was keen to utilise 10 acres of land between its store and the M25 for a retail park. However, the site was in the greenbelt. Faced with the inherent difficulty of trying to obtain permission for retail development on a greenbelt site next to the M25, it was clear that a highly innovative solution was needed.

A review was undertaken of local concerns in nearby communities which included dialogue with local councillors. It was discovered that despite having a by-pass, the adjoining village of London Colney was still suffering from significant lorry movements. The major source of these movements arose from a collection of uses within the village centre. They accommodated a garage with a diesel storage outlet, adjacent HGV recovery facilities and various other vehicle related uses all in different ownerships. The Council recognised them as non-conforming uses but their high values did not by themselves facilitate residential redevelopment.

We promoted a package of policies with the Council such that the village centre sites should be allocated for housing and that the greenbelt boundary should be redrawn to accommodate retail development next to Sainsbury's store. A legal agreement would ensure that the non-conforming uses would be extinguished and residential permission granted prior to the implementation of the retail development. The complementary pair of policies were promoted through the Local Plan process and attracted public support.

With this policy basis, the next challenge was to secure an open A1 permission for over 110,000ft² of retail space, part of which would facilitate Marks & Spencer coming alongside Sainsbury's store and to avoid the Secretary of State intervening. Further negotiations with the District and County Councils, adjoining authorities and the Government Office resulted in permission be granted. This contained no user restrictions. Instead we negotiated a condition which limited the maximum and minimum unit size. This ensured that the planning authority's aspirations to attract a department store and further unit shops into the city centre would not be prejudiced.

Marks & Spencer then opened its flagship store on the site by using part of the permission obtained. Sainsbury's held the balance of the permission in a significantly rising market. We successfully extended the permission's time limit on two occasions, thus further exploiting our client's ability to enhance value.

The retail terrace was then built out. During construction we provided advice on the tactics and timing for the insertion of mezzanine floorspace. This involved a careful review of the terms of the original permission. The retail

terrace now provides almost twice the amount of floorspace initially permitted and has ensured that higher rental value tenants occupy space.

Hatters Way Retail Park, Luton
Helical Retail Ltd

Out of centre retail park secured, call-in avoided and further permission for retail mezzanine space obtained.

The site had a long history of industrial and employment uses. The Local Plan allocated and protected it for B1, B2 and B8 uses as part of a wider business area.

A scheme was developed that both met the clients' requirements for an 80,000ft² retail scheme and provided an element of new B1, B2 and B8 employment floorspace that Council members were keen to see.

The merits of the scheme as promoted were sufficiently strong and well-justified that the Government Office did not call the application in. Furthermore, in response to our representations, the Local Plan Inspector agreed to remove the B1, B2 and B8 allocation of the land making subsequent changes or extensions easier to secure.

Such enhancements have included securing planning permission for 20,000ft² of mezzanine floorspace critical to securing initial occupiers. This has provided the basis for building out the scheme. However, faced with emerging town centre schemes and retail proposals as part of the regeneration of the Vauxhall plant, the officers initially recommended refusal of this addition on issues relating to a lack of retail need, the scale of the addition, the sequential approach and impact on the strategy for the town centre. A detailed response based on in-depth research into all these issues and a critical review of the Council's position on the other emerging schemes, led officers to change their recommendation and support the proposal.

Southern Cross Estate, Nursling Slough Estates Plc & CTC Aviation Group Plc

Longstanding policy-led B8 only restriction overcome after detailed briefings to members and officers.

The Southern Cross Estate is comprised of modern, high specification warehouse/distribution units. The use of these units, and the adjacent estates, are controlled by a B8 only restriction founded in the Council's adopted Local Plan. The policy was firmly enforced. It had made letting some of the units difficult.

Acting initially for Slough Estates, we led negotiations with the Council to establish support for a unit being occupied by CTC Aviation, the largest independent trainer of airline pilots worldwide. Their intention was to insert flight simulators and provide lecture rooms and related facilities into the building. However, their use would not comply with the longstanding user restriction.

Discussions took place with chief officers and a range of advisers. Presentations were made to District and Parish Councillors to inform and persuade them of the importance of CTC Aviation in maintaining the UK's competitive position with pilot and crew training and thus of the exceptional circumstances justifying a departure from the policy. All this required close working with CTC to ensure a full understanding of their business requirements and critical timescales within which they were working to deliver training contracts.

Following preparation of carefully crafted supporting planning and other justifications and close liaison with Council officers a presentation was made to members of the Planning Committee. A permission was successfully secured that enabled CTC to fit out the unit to their requirements within target timescales.

Banbury Road, Oxford
Fixcove Ltd

Reworking of Oxford office scheme secures permission with generous on-site parking despite range of policy constraints.

A scheme for three floors of office accommodation above shops in a district centre in Oxford had been submitted by the client and refused. We were instructed to recover the situation.

Restrictive planning policies and members' aspirations to squeeze as much planning gain as possible from new developments complicated a resolution. There was also a well organised local residents group and an enthusiastic local ward Councillor to manage.

We submitted a planning appeal but in the meantime continued to negotiate with the Council over the reasons for refusal. At the same time objections were made to the emerging Local Plan in order to limit the weight to be given to the restrictive policies. It also protected our client's position should future market conditions require the scheme to be modified. The site was also subject to an over-ambitious, Council written, Design Brief. This had been produced without a policy basis in the adopted Local Plan. This allowed us to argue that its influence should be limited.

Through working up our position for the inquiry, we secured the withdrawal of some of the reasons for refusal.

The Council's very lenient car parking standards but tight restrictions on on-site car parking were in fact a device to secure funding for park and ride schemes. Despite this we managed to secure 50 on-site basement spaces whilst limiting the financial contribution to park and ride.

The Council were very insistent on a mix of uses in the development in order to gain some affordable housing. Accommodating residential on site would have destroyed development viability. We persuaded members to accept an off site contribution towards affordable housing whilst providing no residential accommodation in the development.

With all these matters resolved it was decided to submit a revised scheme with design enhancements. These also addressed concerns relating to residential amenity and the scale of the proposal. Relevant local objectors were also briefed individually and at a public meeting. The revised application was approved and the appeal withdrawn.

Riverside Way Industrial Estate, Uxbridge Slough Estates Plc

Office permission secured on appeal with attractive car parking provision and green travel plan requirement deferred to occupier.

As part of advising on the continued regeneration of the Riverside Way Estate at Uxbridge, Slough Estates Plc asked us to secure permission for a new office block at the Estate's main entrance as well as redeveloping an area of existing, dated warehousing with more modern, flexible, industrial units.

The Council sought to resist office development but we renewed an earlier, dated permission and promoted that as the foundation for the new office scheme. We resisted various benefits required by the Council in relation to the industrial accommodation, including the provision of small units. In addition, a satisfactory level of car parking and the approach to a green travel plan could not be agreed. Our research showed the inappropriateness of the Council's position with regard to car parking, the lack of any demand for small industrial units in the area and the regenerative benefits of the office development. We also argued that the green travel plan arrangements were properly for tenants to address following their occupation of the building.

The matter was determined at inquiry. Our evidence led to the appeal being allowed a satisfactory level of parking provision, a green travel plan condition for tenants to address after six months in occupation and no requirement for small units. Costs were awarded against the Council.

Packet Boat House, Uxbridge ZEDHomes

Appeal allowed for innovative residential-led mixed-use scheme on a site protected for employment use.

Packet Boat House was a standalone three-storey concrete office building constructed in about 1970 which had suffered from a very long period of vacancy. Concerted efforts to secure an office occupier had failed, hence another use for the building was needed.

Prior to our involvement the owner's previous application seeking a three-storey increase in height and a 100% residential conversion had stalled due to Council resistance to the change of use of a building protected by policy for employment uses only.

We developed a solution to the strong stance held by the Council. A revised mixed use scheme was formulated that also focused on maximising the possible environmental and sustainability opportunities. Using an innovative design approach to the external form of the building and internal layout, a mixed-use residential-led scheme was proposed that included small business units that could also be used as medical consulting rooms.

An appeal against the Council's failure to determine the application was made. We prepared comprehensive evidence responding to a wide range of issues raised by the Council including challenging the required proportion of affordable housing and various financial contributions.

The appeal was allowed wholly in accordance with our position.

Karma House, Wembley ZEDHomes

Permission for iconic 17-storey building secured on a highly constrained site following effective engagement with all relevant interests.

Planning permission for a 17-storey building accommodating 120 hotel rooms and 108 apartments on only a 0.16 ha site was achieved despite formidable issues relating to urban design, potential prejudice to the development of important adjacent sites and overshadowing of adjoining residential buildings.

Karma House was a 1960's three storey office building with a brick-built warehouse behind, located just to the east of the famous Olympic Way approach to Wembley Stadium, and just to the South of Wembley Park Underground Station. The buildings formed part of the legacy of the 'old' Wembley, a long way behind the new 'vision' for the area.

An increase in the height of buildings on the site to 17 storeys required us to prepare visual and views assessment reports to ensure that the Wembley 'arch' would not be obscured, the client's ellipse-shaped tower would 'fit' into the surrounding townscape and the redevelopment of nearby sites would not be prejudiced.

Close proximity to an existing block of flats led us to hold a public exhibition for occupiers. This succeeded in addressing many concerns.

Due to the 42m height of the building, the Greater London Authority (GLA) were notified and further meetings with officers held. Following comprehensive discussions and negotiations with officers at the GLA and Brent Council they became supportive of the scheme, with specific recognition given to its catalytic role in the regeneration of the Wembley Park area and because of the sustainability benefits of the scheme.

Following a presentation to members, the Planning Committee resolved to grant permission. The London Mayor then confirmed that the regenerative and other benefits put forward were such that there was no need to intervene.