
Appeal Decisions

Site visit made on 1 June 2017

by Elaine Gray MA(Hons) MSc IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 June 2017

Appeal Ref: APP/W5780/W/17/3170777
361 Green Lane, Ilford IG3 9TQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Javed Ahmed against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 3572/16, dated 25 July 2016, was refused by notice dated 2 September 2016.
 - The development is change of use to restaurant (A3).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the development varies between the application form and the subsequent documents. I have used the description on the decision notice as it describes the development more succinctly.

Main Issue

3. The main issue is the effect of the development on the vitality and retail function of the retail parade.

Reasons

4. The appeal site at 361 Green Lane is located within the Seven Kings Key Retail Parade. The unit has been operating under a temporary change of use from shop (A1) to restaurant (A3) under permitted development rights. The temporary period of two years for the A3 use has now lapsed, and the subsequent planning application for the permanent change of use from A1 to A3 has been refused by the Council.
 5. Policy R1 of the London Borough of Redbridge Borough Wide Primary Policies Development Plan Document (DPD, May 2008) seeks to protect the predominantly retail function at ground floor level within Key Retail Parades (KPRs), which are defined in Schedule 4 of the DPD. Proposals for a change of use away from A1 retail uses within these areas will be required to comply with DPD Policy R3.
 6. As a general guideline, DPD Policy R3 requires that the proportion of A1 units shall be no less than 70% of the total number of units within KPRs. The Seven Kings KRP comprises 46 units, 65% of which are in A1 usage. The proposal would reduce this figure to 63%, which would fall short of the recommended
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70% threshold. I therefore consider that the loss of the A1 unit has resulted in an excessive number of non-retail uses in the parade. The retail offer has thereby been lessened within the Seven Kings KRP, and if I were to allow the appeal, the availability of A1 units in the KRP would be diminished, thereby unacceptably harming its vitality and retail function.

7. I acknowledge that the restaurant has been operating for approximately two years, demonstrating that there is a demand for the service. The appellant states that the unit had been difficult to let, but no detailed evidence has been submitted in this regard, and so I can give little weight to this circumstance. DPD Policy R3 allows scope for the change to a use which can meet a number of criteria. Such a proposal must, amongst other things, demonstrably add vitality and viability to the role of the centre, and demonstrably assist in the regeneration and revitalisation aims of the community. Whilst the appellant refers to a number of these criteria, and highlights the need for sustainable development, there is little detailed or substantive evidence before me to show how the development meets these criteria.
8. The appellant refers to some of the terms used by the Council in their reason for refusal, including the scale of the use and the attractiveness of the KRP. There is no indication within the wording of the policies that there is any test in relation to the scale of proposals. In terms of attractiveness, in this context, I take this to be a reference to the attractiveness of the parade as a shopping destination, as opposed to its visual attractiveness.
9. I acknowledge the changes that have been brought about, for example the refurbishment of the unit. Previous anti-social behaviour is alluded to, but there is little evidence relating to this problem. I acknowledge also the personal feelings of the tenants of the appeal site. However, these factors are insufficient to outweigh the harm I have identified. I note also that there is little evidence to suggest that the current use has given rise to any amenity problems in the vicinity. However, this has not led me to a different conclusion.
10. In the absence of any compelling reason to set aside the provisions of the relevant local plan policies, I conclude that the development is materially harmful to the vitality and retail function of the retail parade, contrary to the objectives of DPD Policies R1 and R3.
11. For the reasons above, and taking all other matters into account, I conclude that the appeal should be dismissed.

Elaine Gray

INSPECTOR