



Appeal Decision

Site visit made on 16 May 2017

by Beverley Wilders BA (Hons) PgDurp MRTPI

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

Decision date: 26th June 2017

Appeal Ref: APP/D5120/W/17/3169287

Crayford Post Office, 171-173 Crayford Road, Crayford, Dartford DA1 4HA

- 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 Crayford Gelato against the decision of the Council of the London Borough of Bexley.
 - The application Ref 16/02479/FUL, dated 17 October 2016, was refused by notice dated 31 January 2017.
 - The development is described as to convert the now closed convenience store into a Scoops Desserts, cafe style business with seating for around 100 customers. This will involve a change of use from class A1 to A3. The business specialises in desserts, hot drinks, waffles, crepes etc. The plan is to open at 7am to cater for breakfasts and trade right through until 11pm catering for the desserts business throughout the day and evening. The proposal is also to include a new shop frontage, detail of the new frontage is contained in the application.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The planning application form states that the development started in August 2016. At the time of my visit there was a new shop front and the premises had been fitted out internally though did not appear to be trading.

Main Issue

3. The main issue is the effect of the development on the vitality and viability of the retail function of the town centre.

Reasons

4. The appeal site comprises large ground floor commercial premises positioned centrally within a row of other commercial premises with residential accommodation above. It appears that the premises were previously in use as a convenience store/newsagent and that this use included a post office counter. I understand that part of the premises was also used as a cafe area as part of the previous convenience store following prior notification to the Council of a two year temporary use in 2013. The appeal site is located within the core shopping frontage of the Crayford district shopping centre and at the time of my visit none of the premises within the row appeared to be vacant and the area was busy with pedestrians.

5. Policy SH04 of Bexley's Unitary Development Plan (UDP) states that in determining planning applications in the defined core shopping frontages the Council will resist changes of use of shops (Use Class A1) at ground floor level to other uses that would not enhance the character, viability and vitality of the centre. In particular proposals will be expected to satisfy all of the criteria listed. This includes that the proposed non-retail use is not located next to two or more average units in non-retail use (criterion 3a) and that the proposed use would not increase the proportion of average units in the core frontage to more than 30% (criterion 4).
6. The Council states that the current percentage of non-retail uses in the core frontage is 31.2% and that the proposal would increase this to 34.8%. These figures have not been disputed by the appellant. In addition, at the time of my visit both adjacent premises were in non-retail use with other non-retail uses nearby in the row. Consequently the proposal breaches criterion 3a and 4 of Policy SH04 and is contrary to the policy. The use of the premises for a non-retail use would result in a further reduction in the percentage of premises within the core frontage in retail use and would result in a further concentration of non-retail uses in this particular part of the core frontage.
7. The existing premises, albeit not currently operating as a retail use, contributes to the retail character and function of the core frontage and is within a frontage where the retail function is already threatened by the existence of a number of non-retail premises. In my view in this context the loss of any additional retail premises in this particular part of the core frontage is likely to be harmful to the vitality and viability of the retail function of the town centre.
8. Whilst I acknowledge that there appears to be anecdotal evidence that uses such as that proposed can bring diversity to town centres and contribute to vitality and viability, there is no evidence that the use would be more beneficial than a retail use or that in the absence of the appeal scheme the premises would not continue in retail use. This is particularly the case given the fact that it appears that the premises had not been vacant prior to the alterations carried out by the appellant and having regard to the low vacancy rates within premises nearby. The fact that the appellant would be willing to enter into a legal agreement meaning that the premises would revert to retail use once the A3 use ceases does not overcome the harm that would result from the loss of the retail use and in any event a legal agreement was not submitted with either the application or appeal.
9. I note that in 2013 an appeal was dismissed for a change of use from A1 to A3 with ancillary A5 use at 169 Crayford Road with the Inspector citing similar concerns regarding the loss of retail use (Ref APP/D5120/A/13/2200021). I have been provided with a copy of the appeal decision and have had regard to it insofar as it is relevant to the appeal scheme.
10. Though I note the concerns raised by the appellant in relation to the planning application process particularly regarding a lack of notification of and therefore representation at the Council's planning committee, these are not matters for me to consider in determining the appeal. I have also had regard to the letters of support submitted with the appeal but for the reasons stated above, the loss of retail use would be contrary to the development plan and would be harmful to the retail function of the core frontage.

11. Taking the above matters into consideration, I conclude that the appeal scheme would be likely to adversely affect the vitality and viability of the retail function of the town centre. It is therefore contrary to Policy SH04 of the UDP and policies CS05 and CS14 of the Bexley Core Strategy. These policies seek, amongst other things, to maintain and enhance the vitality and viability of town centres.

Conclusion

12. For the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.

Beverley Wilders

INSPECTOR