
Appeal Decision

Site visit made on 19 June 2017

by D. M. Young BSc (Hons) MA MRTPI MIHE

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

Decision date: 4 July 2017

Appeal Ref: APP/E5330/W/17/3171885

107a Plumstead High Street, Plumstead, London SE18 1SE.

- 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 William Hill Organization Ltd against the decision of the Royal Borough of Greenwich Council.
 - The application Ref 16/4273/F, dated 22 December 2016, was refused by notice dated 17 February 2017.
 - The development proposed is a change of use from Class A2 (Financial and Professional Services) to Sui Generis (Betting Office). External alterations to the shopfront, installation of a satellite aerial and air conditioning units.
-

Decision

1. The appeal is allowed and planning permission is granted for a change of use from Class A2 (Financial and Professional Services) to Sui Generis (Betting Office). External alterations to the shopfront, installation of a satellite aerial and air conditioning units at 107a Plumstead High Street, Plumstead, London SE18 1SE in accordance with the terms of the application, Ref 16/4273/F, dated 22 December 2016, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The premises shall not be open for customers outside the hours of 0700-2300 on Mondays to Saturdays and 0830-2200 hours on Sundays.
 - 3) The ground floor windows fronting Plumstead High Street shall be retained as display windows and shall not be blocked up at any time.

Application for costs

2. An application for costs was made by William Hill Organization Ltd against the Royal Borough of Greenwich Council. This application is the subject of a separate decision.

Preliminary Matters

3. Both main parties have highlighted the typographical error on the Decision Notice which refers to Policy DH(a) of the "*Royal Greenwich Local Plan: Core Strategy with Detailed Policies 2014*" (the CS) instead of Policy TC(a). As no party has been prejudiced by this error, I have assessed the scheme against the requirements of Policy TC(a).
-

4. An appeal against the refusal to grant planning permission for an almost identical proposal was dismissed in November 2016¹. Given that this decision relates to the same development at the same site, it is a significant material consideration.

Main Issue

5. The main issue in this case is the effect of the proposed development on the vitality and viability of the Plumstead High Street District Centre (PDC) and specifically whether it would accord with the provisions of Policy TC(a) of the CS.

Reasons

6. The appeal property is located on the corner of Plumstead High Street and White Hart Road and forms part of a primary shopping frontage within the PDC. The property currently benefits from an A2 use and up until November 2015 was used as a bank. The PDC comprises a variety of retail and commercial uses.
7. Although the previous appeal was dismissed, it is pertinent that there was an administrative error on the part of the Inspectorate that denied the appellant the opportunity to rebut the evidence of third parties in relation to Policy TC(a). Insofar as it is relevant to this appeal, this policy states that at ground floor level a minimum of 50% of the primary frontage in the PDC should be available for A1 retail use.
8. At the time of the previous appeal, interested parties claimed that the district centre was operating below the 50% threshold. This was subsequently confirmed by the Council and on that basis the Inspector found that there would be conflict with the development plan sufficient for the appeal to be dismissed.
9. In this case the planning application was accompanied by a Planning Statement which stated that a survey of the PDC undertaken in July 2016 had shown that 66% of units were within an A1 use class. A further survey was carried out in March 2017 by Lichfields which confirmed the results of the 2016 survey. Both surveys were submitted with the appellant's Grounds of Appeal.
10. The Council takes a contrary view and asserts that less than 50% of units are within an A1 use class. According to the Officer Report this is based on the results of its own 'recent' survey of the PDC. However, despite repeated requests at the application stage the Council failed to produce the report or release any further details about its content. Given that the Council has again failed to submit the report or for that matter an Appeal Statement or anything else to repudiate the appellant's evidence, it follows that I can only attach very limited weight to the Council's position.
11. Consequently, I conclude on the basis of the evidence before me, that more than 50% of units within the PDC are available for an A1 retail use. Accordingly, the proposed change of use would not conflict with Policy TC(a) of the CS or harm the vitality and viability of the PDC.

¹ PINS Ref: APP/E5330/W/16/3157317

Other Matters

12. Whilst I have noted the concerns of local residents in relation to crime, anti-social behaviour, the number of betting shops and the visual effect on the street scene, there is nothing before me which would lead me to a different conclusion to the Council and the previous Inspector on these matters.

Conclusion

13. No conditions have been suggested by the Council, I have therefore imposed conditions relating to opening hours and the shop front to protect the living conditions of local residents and to ensure the satisfactory appearance of the development.
14. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should succeed.

D. M. Young

Inspector