
Appeal Decision

Site visit made on 14 August 2017

by Nicola Davies BA DipTP MRTPI

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

Decision date: 18 August 2017

Appeal Ref: APP/M1595/W/17/3174282
17 Grover Walk, Corringham SS17 7LP

- 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 Sarvjeet Landa against the decision of Thurrock Borough Council.
 - The application Ref 17/00067/FUL, dated 18 January 2017, was refused by notice dated 10 April 2017.
 - The development proposed is change of use from A1 to A3.
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Decision

1. The appeal is dismissed.

Main Issue

2. I consider that the main issue is the effect of the proposal on the vitality and viability of the Local Shopping Centre.

Reasons

3. The Council highlights that the parade (1 to 25 (odds) Grover Walk) comprises 14 units of which 9 fall within Use Class A1 retail use. Policy SH10 of the Thurrock Borough Local Plan 1997 (the Local Plan) indicates that changes of use to Use Classes A2, A3 and D1(a) will be permitted provided i) the proposal does not result in more than two non-Class A1 (Shops) uses together and ii) no more than 30% of uses in each designed frontage are other than Class A1 (Shops). The associate policy text in the Local Plan explains that non-retail uses will be restricted to safeguard the shopping function of shopping centres.
4. Policy CSTP7 of the Thurrock Core Strategy and Policies for Management of Development 2015 (the Core Strategy) seek to maintain the retail function for neighbourhood centres but allow for the change of use of ground floor retail units to non-retail where a long term demand is shown or where there is a particular community need demonstrated. Policy CSTP8 of the Core Strategy seeks to maintain the retail function of existing centres.
5. I note that the Local Plan policy pre-dates the Core Strategy and the National Planning Policy Framework (the Framework). However, Policy SH10 of the Local Plan has been retained by the Council. This policy seeks to safeguard the shopping function of shopping centres. I consider this policy to be consistent with the Core Strategy policies and the Framework that seek to maintain the retail function of existing centres, manage their growth and that support their viability and vitality. I therefore give Policy SH10 significant weight.

6. The proposal would result in the loss of a retail unit in this parade. In percentage terms the Council indicate this would increase non-retail uses from 36% to 42%. The proposed change of use would also result in two non-A1 uses next to one another.
7. The appellant argues that over a period of eighteen months two businesses that have occupied the premises have been unsuccessful and were unable to maintain rent payments. This, and other premises bills, have resulted in financial loss to the owner. The owner has advised that she has been unable to find new tenants and that the premises has been unoccupied since mid-2016. It is said that this is reflective of the difficulties of the current retail economy. The appellant suggests that there is a perception that operators would not make money whilst the premises remains in Use Class A1.
8. I observed that the premises within this parade were open and trading with the exception of one. In that particular case I did not see substantive evidence that would indicate that the premises was anything other than closed at the time of my visit. Indeed, I observed that the premises in this wider local shopping centre were occupied and trading and the centre was busy and well used.
9. It is claimed that competition within this local shopping centre has resulted in the demise of the recent businesses but competition is a normal part of any commercial centre. It is commented that supermarkets and large retail units are making high streets deserted and shops shuttered up. However, from my observations this does not appear to be the case here. There is no substantive evidence before me that would indicate that Use Class A1 is failing in this location.
10. Furthermore, I have not been provided with any marketing details relating to the premises that might persuade me that there is a lack of demand for the retail use of this premises. Neither have I been directed to any particular circumstances, other than the premises having been empty for a period of time that would indicate the premises would be unsuitable for such purposes.
11. I acknowledge that the existing percentage of non-retail uses in this parade has already breached the 30% threshold set by Policy SH10. Nonetheless, this does not justify an additional incremental breach that would further undermine the policy or to accept two non-retail uses operating side-by-side even if offering differing products. Whilst I acknowledge that fashionable and quirky eateries and coffee shops, such as the appellant's proposed dessert parlour business, can add to the vitality of shopping parades and be a draw for the public, this does not make the proposal acceptable in policy terms.
12. For the above reasons, the proposal would have a harmful effect on the vitality and viability of the Local Shopping Centre. The proposal would be contrary to Policy SH10 of the Local Plan and Policies CSTP7 and CSTP8 of the Core Strategy that seek to maintain the retail functioning of existing centres.

Conclusions

For the reasons given above, I conclude that the appeal should be dismissed.

Nicola Davies INSPECTOR