



Appeal Decision

Site visit made on 3 January 2018

by J Ayres BA Hons, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 2nd February 2018

Appeal Ref: APP/G5750/W/17/3179978

991 Romford Road, Manor Park, London E12 5JR

- 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 Miss Adelina Mazilu against the decision of the Council of the London Borough of Newham.
 - The application Ref 17/00412/FUL, dated 3 February 2017, was refused by notice dated 10 May 2017.
 - The development proposed was originally described as *'to create the intended development, which consists an existing A1 licenced premises that was used as a shop and to be converted to a traditional Romanian Café and a A3 licence is being requested with a kitchen extraction unit'*.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of shop (Use Class A1) to a traditional Romanian café (Use Class A3) and installation of extraction unit on the side elevation at 991 Romford Road, Manor Park, London E12 5JR in accordance with the terms of the application, Ref 17/00412/FUL, dated 3 February 2017, subject to the conditions in the attached schedule.

Preliminary Matter

2. I have used the description as set out in the Council's decision notice in my decision above as this more accurately describes the proposal than that set out in the application.

Main Issue

3. The main issue is the effect of the proposal on the vitality and viability of the borough's designated retail centres.

Reasons

4. The appeal property is a two storey end of terrace building with an A1 shop unit on the ground floor and residential accommodation above. The shop is part of a small parade of commercial units, with more commercial development, in the same physical layout, opposite.
5. The appeal site is outside of the designated town or local centre as defined within the Newham 2027, Newham's Local Plan – The Core Strategy 2012 (the Core Strategy). Policy INF5 of the Core Strategy seeks to maintain existing local centres and encourage development to be located within the local centres. In this regard the Core Strategy is consistent with paragraph 23 of the National

Planning Policy Framework 2012 (the Framework) which encourages local planning authorities to pursue policies that support the viability and vitality of their town centres.

6. Romford Road provides a main route between Manor Park local centre and Ilford town centre. Ilford town centre is located in the neighbouring borough of Redbridge, however it is clearly served by Romford Road. Policy SP7 of the Core Strategy seeks to consolidate ribbon developments of commercial and community uses into defined local and town centres, and Romford Road is considered to represent a ribbon of development, outside of the local centre. The reasoned justification for SP7 explains that instead of change of use of units in streets outside of designated areas, relocation is encouraged to in-centre locations, de-conversion to residential, or continuation of the existing situation.
7. The existing parade offers a range of services and facilities including a newsagents, laundrette, pharmacy, barbers, hot food takeaway and car repair services. There is no dominant use, and the mix of independent uses sit amongst, and below, stretches of residential development. The result is a vibrant and busy road, clearly used by the local community.
8. The Council's intention is fundamentally to maintain robust local centres and avoid trade leakage. The Core Strategy seeks to boost the retail function within the local centres. It seems to me that the use of the site for an A3 purpose would serve the local community in the direct vicinity of the parade, rather than to draw trade away from the Manor Park local centre, as such the impact on retail in the local centres would be minimal. Furthermore, it would not introduce a new commercial unit, and so would avoid any urban sprawl. The appellant has not suggested any intention to convert the ground floor to residential, and a vacant unit would have a detrimental impact on the character of the parade, in contrast the continued use of the property would result in employment, growth of the local economy, and retention of a busy parade.
9. In my view, the change of use of the small retail unit would not detract from the use of the local centre nor result in unacceptable ribbon development. Its location on a main road would serve those in the local community, whilst maintaining an active and attractive parade. As such, I find that the proposal would not erode the vitality or viability of the borough's designated retail centres. As such, the proposal would not conflict with the aims of Policies S6, SP1, SP6, SP7 or INF5 of the Core Strategy, Policies 2.15, 4.7 or 4.8 of the London Plan 2011, or paragraph 23 of the Framework insofar as they all seek to promote the vitality and viability of town and local centres. Whilst there may be an element of conflict with Policy SP7 which encourages relocation, on the basis of the proposal representing a change of use which would maintain the vitality of the parade, I consider that the proposal does not conflict with the development plan as a whole.

Conditions

10. The Council has submitted a number of suggested conditions. I have considered them in accordance with the Framework and the National Planning Practice Guidance. I have amended some of them in the interests of certainty.

11. In addition to the standard 3 year time limitation for commencement, I have imposed a condition requiring the development to be carried out in accordance with the submitted plans in the interests of certainty.
12. Conditions to secure appropriate ventilation and waste management systems, noise levels, and hours of opening are necessary in the interests of protecting the living conditions of surrounding occupiers.

Conclusion

13. For the reasons above, and taking into account all other matters raised, I conclude that the appeal should be allowed.

J Ayres

INSPECTOR

SCHEDULE OF SIX CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Existing and Proposed Ground Floor Plan Rev. A - Sheet Number: 1 – Dated: 02.02.2017;

Existing and Proposed Front Elevation Rev. A - Sheet Number: 2 – Dated: 02.02.2017;

Existing and Proposed Side Elevation Rev. A – Sheet Number: 3 – Dated: 02.02.2017;

Location Plan Rev. A – Sheet No: 4 – Dated: 02.02.2017;

Block Plan Rev. A – Sheet No: 5 – Dated 02.02.2017

Ground Floor and Section for Proposed Mechanical Installation – Sheet Number: 8 – Dated: 27.02.2017.
- 3) The premises shall only be open for customers between the following hours:
0600 – 2100 on any day.
- 4) Prior to the first use of the development hereby permitted, full details of the grease trap or grease digester system to be installed for the commercial kitchen shall be submitted to and approved by the Local Planning Authority. Submitted details shall include plan and sectional drawings with measured drain sizes and invert levels and full manufacturers specifications . The approved scheme is to be completed prior to the first use of the development and shall be permanently maintained thereafter.
- 5) Prior to the first use of the development full details of any mechanical ventilation or other plant associated with each such unit shall be submitted to and approved by the Local Planning Authority. The details should include full specifications of all filtration, deodorising systems, noise output and termination points. The approved ventilation equipment and other plant shall be installed and commissioned prior to the first use of the development and shall be permanently maintained in proper working order thereafter.
- 6) Prior to the first use of the development the developer shall design and install a scheme of sound insulation between residential and non-residential uses in the building such that the sound insulation provided shall meet the following standards.
 - International Organization for Standardization Noise Rating curves (NR)
 - NR 25 in bedrooms (2300 to 0700)
 - NR 30 in all habitable rooms (0700 to 2300)

If there is a distinguishable tone the NR curves should be reduced to NR 20 and NR 25 respectively. Noise rating curves should be measured as a 15 minute linear Leq at the octave band centre frequencies 31.5 Hz to 8 kHz. Prior to first use of the development the developer shall provide written confirmation to the Local Planning Authority that the noise mitigation measures have been installed. The sound insulation measures shall be maintained for the life of the development.