
Appeal Decision

Site visit made on 27 November 2017

by S Jones MA DipLP

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

Decision date: 02 February 2018

Appeal Ref: APP/E5330/W/17/3181935
67 Woolwich New Road, London SE18 6ED

- 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 Mehmet Yaldiz representing Urban Ice against the decision of Royal Borough of Greenwich Council.
 - The application Ref 17/0234/F, dated 23 January 2017, was refused by notice dated 10 April 2017.
 - The development proposed is change of use from A1 retail to an A3 use dessert parlour.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from A1 retail to A3 dessert parlour at 67 Woolwich New Road, London SE18 6ED in accordance with the terms of the application, Ref 17/034/F, dated 23 January 2017, and the plans submitted with it.

Procedural Matter

2. It is not disputed that the use is already operating from the premises. The description of the development has been amended to remove the word 'retrospective' because that would not constitute development. This has no prejudicial effect on any party.

Main Issue

3. The main issue is whether the change of use would have an unacceptable effect on retail vitality and availability within the secondary shopping frontage in Woolwich town centre.

Reasons

4. The appeal site lies in a row of shops opposite a large Tesco hypermarket, and open space leading towards bus stops and other retail and commercial uses in the centre of Woolwich. There is a theatre on the corner of this row of shops, which is otherwise generally a mix of A1, A3 and other uses.
5. Policy TC (b) of the Royal Borough of Greenwich Core Strategy is aimed at securing the vitality and ongoing viability of high quality town centres. In this respect it seeks to protect shopping uses (A1). The Council is concerned that the appeal scheme would conflict with criterion (v) of Policy TC(b) which in secondary shopping frontages seeks to avoid more than 25% of all designated frontage premises or individual blocks being in A3, A4 and A5 uses. The

proposed change of use would take the A3-A5 uses to in excess of that restriction in this particular case because the use is an A3 use rather than an A1 use, and the number of non-retail uses in this stretch of secondary shopping frontage does not comply with the specification that no more than 25% of the secondary shopping frontages in Woolwich town centre should be non-retail A3, A4 or A5.

6. Nevertheless, in addition to the simple percentage, the policy refers to the adverse impact on retail vitality and availability in the shopping frontage. Therefore the pertinent question is whether this further A3 use would cause any decline in that retail vitality or availability.
7. The unit was empty for about 3 years before the current use started. Therefore it would not have been making any contribution to the retail vitality, although I do recognise that it was available for A1 use. However, the appellant has shown that there are at least another 11 A1 use vacant units in Woolwich town centre. The Council has not challenged this figure. It therefore appears that there are plenty of spaces available for A1 users to occupy. Moreover, prior to this development the number of non-retail occupiers in this particular shopping frontage already exceeded the policy restriction of 25% and there is no evidence that this had any noticeable adverse effect on retail vitality and activity.
8. The new business is also well presented and appears popular within a busy shopping area. It is thus now making a positive contribution to general retail activity as opposed to the negative effects of having an empty property, and it is providing local employment. As a result, I consider that this further A3 use would not reduce the A1 use within this secondary shopping frontage to an unacceptably low level and would not harm the retail vitality of the frontage here.
9. In view of the above, I conclude that despite the technical breach of criterion (v) of Policy TC (b) of the Royal Borough of Greenwich Local Plan: Adopted Core Strategy, in the particular circumstances of this appeal the proposed change of use would not harm the retail vitality and availability of secondary shopping frontage.

Other Matters

10. There were concerns about the predomination of non-A1 uses and about the size of the Urban Ice frontage. There were also concerns about a proliferation of competing food outlets, littering and anti-social behaviour contributing to an unsafe environment. Whilst I appreciate such concerns, there is no evidence that the introduction of this particular use has resulted in harmful impacts on its surroundings. This business appeals to a different customer than the hot food takeaways because it is a dessert parlour for sweet products. In that respect it is not likely to increase competition among the food outlets to the detriment of food quality. In any event, the quality of food offered by an establishment is a matter away from the planning merits of this appeal.
11. No conditions were suggested by the Council and in the event of the appeal being allowed, I consider none are necessary.

Conclusion

12. For the reasons given above I conclude that the appeal should be allowed.

S Jones

INSPECTOR