



Appeal Decision

Site visit made on 15 March 2019

by N Smith BA (hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th July 2019

Appeal Ref: APP/G5750/W/18/3216016

17-20 Carlton Terrace, Green Street, Forest Gate, London, E7 8LH

- 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 AHG Developments Ltd, Gemstone Developments Ltd, RAJ Developments Ltd against the decision of London Borough of Newham.
 - The application Ref 18/01010/FUL, dated 10 April 2018, was refused by notice dated 7 June 2018.
 - The development proposed is demolition of existing premises in class A1 retail use and redevelopment of site to provide 3 equal sized retail units, within a new single storey flat roofed structure.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing premises in class A1 retail use and redevelopment of site to provide 3 equal sized retail units, within a new single storey flat roofed structure at 17-20 Carlton Terrace, Green Street, Forest Gate, London, E7 8LH in accordance with the terms of the application, Ref 18/01010/FUL, dated 10 April 2018, 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 development hereby permitted shall be carried out in accordance with the following approved plans: 2442/1, 2442/2 revision A and 2442/3.

Procedural Matters

2. The Newham Local Plan 2018 was adopted after the planning application that is the subject of this appeal was determined by the Council. The Council addressed what they saw as the relevant, at that time, emerging policies in their report and the appellant had an opportunity to comment on them in their own statement. Accordingly, I am satisfied that neither party has been prejudiced by this development.
3. For the avoidance of doubt, the Council has confirmed that the policies of the London Borough of Newham Local Plan: Core Strategy 2012 and the London Borough of Newham Local Plan: Detailed Sites and Policies Development Plan Document 2016 have been superseded. I have assessed this appeal on that basis.

Main Issues

4. The main issue is whether the proposed quantum of development would be appropriate having regard to the Development Plan.

Reasons

5. The Council is not concerned by any specific local impact associated with the proposed development, rather, they are concerned that the development, which would be on a sustainable and previously developed site, does not maximise the development opportunities presented by it and the land around it. They see the proposal as 'piecemeal' underdevelopment of the site, which would not utilise its potential.
6. This position seems to be based to a large degree on the basis that the appellant has control over the land around the site, which could, together with the appeal site, be used for a more ambitious development proposal. The appellant refutes this suggestion, saying that, in fact, there are a number of parties with an interest in the land around the appeal site and that its assembly would not be straightforward. There is no firm evidence before me to substantiate the Council's position on whether the appellant has a wider land ownership and I must determine this appeal on the evidence before me.
7. The Council directs me to policies S1, S6 and H1 of the Newham Local Plan 2018 (NLP), policies 1.1 and 3.3 of the London Plan 2016 and policies GG2 and GG4 of the draft London Plan 2017. In broad terms, these policies, when taken together, set out the aspiration to deliver a large number of homes and jobs in London and in Newham by taking an ambitious and proactive approach to development in sustainable locations.
8. Whilst I have a degree of sympathy with the Council's position that, even without relying on land around the appeal site, the proposal is for the most part, a 'like for like' replacement building, there is no evidence before me to demonstrate that such a development at this particular site would undermine in any way the policy objectives that I have described.
9. Conversely, Policy H1 of the NLP lists 'Strategic Housing Sites' and 'Non-Strategic Sites' where the delivery of housing in the Borough will be provided. The appeal site does not feature in these designations. Whilst there is reference at Policy S6 of the NLP to avoiding the development of sites in a piecemeal fashion, I am not satisfied based on the evidence before me that the appeal site and the land around it should be regarded as one site for the purposes of the application of that policy.
10. The appellant has described that there has been no dialogue between the Council and relevant landowners as to comprehensive plans for the appeal site and the surrounding land and I am not aware that the site is allocated for any form of development. Added to that, is the lack of evidence before me as to what the Council would consider acceptable at the site, beyond a reference in the officer's report to some form of four storey development.
11. On that basis, I am not satisfied that the appeal development would conflict with the policies that the Council has identified or that there would be a conflict with the Development Plan, when taken as a whole. In reaching that conclusion I have had regard to paragraph 117 of the Framework which says that decisions should promote an efficient use of land. In this case, for the

reasons I have described, I am not of the view that the appeal proposal would represent a particularly inefficient use of the site before me at this time.

12. I therefore conclude that the quantum of development proposed at the site would be appropriate. The appeal scheme would comply with the relevant requirements of policies S1, S6 and H1 of the Newham Local Plan 2018, policies 1.1 and 3.3 of the London Plan 2016 and policies GG2 and GG4 of the draft London Plan 2017.

Conditions

13. The Council was given an opportunity to provide suggested conditions that they thought should be attached in the event that this appeal was allowed. They declined to do so, on the basis that they considered the appeal scheme to be wholly unacceptable.
14. I have considered what conditions I feel are necessary and have imposed a condition requiring that the development is commenced within three years and one to ensure that the development is carried out in accordance with the submitted plans. These relate to non-contentious matters.
15. I am satisfied that the plans provide adequate information as to the materials that would be used and in the absence of evidence to the contrary, do not consider that any further conditions are necessary.

Conclusions

16. For the reasons that I have described, I conclude that the appeal should be allowed.

N Smith

INSPECTOR