



Appeal Decision

Site visit made on 21 October 2019

by Rachael Pipkin, BA (Hons), MPhil, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th November 2019

Appeal Ref: APP/A5270/W/19/3234292
136 The Broadway, Southall, UB1 1QN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Yasir Ahmad of Ariana Travel against the Council of the London Borough of Ealing.
 - The application Ref: 18/4839/FUL is dated 18 October 2018.
 - The development proposed is subdivide the ground floor into 8 retail units (A1 Use Class), and re-positioning the main entrance to the centre of the façade.
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Decision

1. The appeal is allowed, and planning permission is granted to subdivide the ground floor into 8 retail units (A1 Use Class), and re-positioning the main entrance to the centre of the façade at 136 The Broadway, Southall, UB1 1QN in accordance with the terms of the application Ref: 184839FUL dated 18 October 2018 and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with submitted plans numbered: 136 TB-001, 136 TB-002, 136 TB-003, 136 TB-004, 136 TB-005 and 136 TB-006.
 - 3) The external materials to be used in the new shopfront shall be glazing with aluminium framing and shall be carried out in accordance with the approved plans. They shall be retained as such thereafter.
 - 4) Before any plant and/or machinery is used on the premises, it shall be enclosed with sound-insulating material and mounted in a way which will minimise transmission of structure-borne sound in accordance with a scheme that shall first have been submitted to and approved in writing by the local planning authority. The measures implemented as approved shall be retained thereafter.

Procedural Matters and Main Issues

2. The appeal was submitted on the basis of the failure of the Council to determine the planning application within the prescribed period. The Council has provided a 'Notice of Planning Recommendation' which sets out its reasons for refusal of the application had it been determined.

3. Having had regard to these reasons the main issues are:

- the effect of the proposed development on the vitality and viability of Southall town centre;
- the effect of the proposed development on highway safety; and
- whether the proposed development provides adequate waste storage and servicing facilities.

Reasons

Vitality and viability

4. Number 136 The Broadway (No. 136) is located within the Southall Opportunity Area, Southall Major Centre Town Centre and a secondary shopping frontage. This part of Southall town centre is characterised by a mix of retail units including shops, financial services, restaurants, cafes and hot food takeaways, many of which are specialist Asian retailers.
5. The Southall Opportunity Area is designated in the London Plan. The Southall Opportunity Area Planning Framework 2014 (SOAPF) sets out strategic principles for the area. It seeks to promote and protect the existing specialist Asian retail offer as well as improving the mainstream comparison retail offer through the provision of larger retail units.
6. The appeal scheme would lead to the loss of a small retail unit and its replacement with eight significantly smaller bazaar-type shop retail units. There would be no net loss of retail space as a result of the development. Due to their diminutive size, these units may provide more affordable premises for start-up businesses or retailers that do not require the amount of floor space within a more standard sized shop units, such as mobile phone repair shops, accessory retailers, individual hairdressers and jewellery shops. In my view, this would expand the retail offer in this part of the centre.
7. Bazaar-type small shop retail units are identified as a distinctive feature of Southall. However, within the immediate vicinity of the appeal site, I observed just one other sub-divided retail unit further east on the opposite side of The Broadway. Consequently, I consider the proposed development would not lead to an over-concentration of this type of retailing within this part of the town centre.
8. The SOAPF seeks to increase mainstream comparison retail, it has identified West Southall for this. This is an entirely different part of the centre to that in which the appeal site is located. I have been provided with no evidence that mainstream retailers are being encouraged to locate along this part of The Broadway, within a secondary retail frontage characterised by Asian retailing. I am not persuaded that the subdivision of this unit in this location would undermine the wider aims of the SOAPF for increasing mainstream retailing.
9. I conclude that the proposed development would not harm the vitality or viability of Southall town centre. It would therefore comply with Policies 2.13, 2.15 and 4.7 of the London Plan 2016¹ (the LP) and Policy 2.8 of the Ealing Development Strategy 2026 Development Plan Document 2012 (Development Strategy). These policies, together and amongst other things, support retail

¹ The Spatial Development Strategy for London consolidated with alterations since 2011

development that sustains and enhances the vitality and viability of the centre, seek to revitalise Southall Town Centre and to support the provision of Asian retailing. It would also accord with the aims of the SOAPF as referred to above.

Highway safety

10. The SOAPF identifies that where trade overflows onto footpaths, it can cause congestion and interrupt the free flow of pedestrians. This may harm highway safety. I have no evidence that the proposed use would be any more likely to result in trade overflow than a single retail unit. I observed that a number of retailers do overflow onto the street, however, these were standard retail units serving a single shop. Furthermore, the pavements along this stretch of The Broadway are wide and I observed during my site visit, that even where overflow trading does occur, there is still adequate space for pedestrians to pass by.
11. The existing shop has a gated, shared rear service yard accessed off Dane Road and Saxon Road. This provides dedicated space where service and delivery vehicles can access and service the shop off the highway network. These arrangements appear adequate and I have been provided with no reasons why they would not be suitable for the proposed development.
12. The Council is concerned that the development would increase traffic on local roads. As there would be different businesses within each of the units, there could be a few additional deliveries. However, given the very limited scale of the proposed development which does not increase overall retail floor space and each of the businesses would have an area of storage of approximately the equivalent size of each retail unit, the number, frequency and size of delivery vehicles would likely be small.
13. In addition, in my view, given the diminutive size of the retail units, they will provide a limited range of goods and services. It is therefore likely that any customers would be visiting these as part of a trip to the town centre where they may be accessing a number of other shops and services rather than making a trip for the sole purpose of visiting this development.
14. This leads me to conclude that the proposed scheme would not significantly increase traffic on local roads. I therefore conclude that the proposed development would not have a harmful impact on highway safety. It would therefore comply with Policies 5.17 and 6.3 of the LP which seek to ensure development does not adversely affect safety on the transport network. It would also accord with the aims of the SOAPF which supports the safe movement of pedestrians and the provision of off-street servicing and deliveries for commercial uses. The Council has referred to Policy 6.8 of the LP. However, this relates to the provision of coach hubs and is not relevant to the appeal scheme.

Waste management

15. The rear service yard provides space for the storage and collection of waste for the existing shop unit. Whilst I accept that some additional waste may be generated this would be restricted by the very limited size of each of these individual retail units. The overall requirement for the storage and collection of waste would not be significantly greater than that which could be

generated by a single retailer operating out of the appeal site. Consequently, I do not consider that these would give rise to unsanitary conditions or harm to the living conditions of nearby occupiers.

16. I conclude that the proposed development would provide adequate waste storage and servicing facilities. It would therefore comply with Policies 5.17 and 7.6 of the LP and Policies 7A and 7B of the Development Strategy. These policies seek together and amongst other things, to ensure that proposed development does not harm amenity and that the provision of any waste management facilities does not lead to harmful impacts on surrounding areas.

Conditions

17. The Council has proposed a number of conditions should the appeal be allowed. I have considered these and imposed them where they meet the tests set out in Paragraph 55 of the National Planning Policy Framework (the Framework), amending where necessary for the sake of simplicity, clarity and precision.
18. A condition requiring the development to be carried out in accordance with approved plans is necessary in the interests of certainty. I have imposed a condition requiring external materials to be in accordance with the materials described in the application form and approved plans, in the interests of the appearance of the area.
19. I have not imposed a condition requiring details of noise insulation as such details formed part of the original permission when the mixed-use building in which the appeal site is located was approved. A condition requiring noise mitigation for any new plant or equipment to be used on the premises is necessary in order to protect the living conditions of residential occupants of the building.
20. A condition requiring details of servicing arrangements to be provided would be unreasonable given that there is no change of use and arrangements are already in place and I have identified that the scale of operations arising from the conversion would not be harmful.
21. Paragraph 53 of the Framework states that national permitted development rights should not be restricted unless there is clear justification to do so. I have been provided with no substantive evidence to support the Council's assertion that permitted development rights should be restricted. I have not therefore imposed a condition restricting this.

Conclusion

22. For the reasons set out above, I conclude the appeal should be allowed and planning permission granted.

Rachael Pipkin

Inspector