



Appeal Decision

Site visit made on 4 February 2020

by Graeme Robbie BA(Hons) BPI MRTPI

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

Decision date: 3 March 2020

Appeal Ref: APP/W5780/W/19/3240426

Shop, 74 George Lane, South Woodford, London E18 1JJ

- 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 Chris Tompkins (c/o KMDS Designs) against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 2013/19, dated 5 January 2019, was refused by notice dated 6 September 2019.
 - The development proposed is proposed change of use from A1 (Retail) to A3 (Restaurant & Café) using existing extract equipment. Alter opening hours to 06:00 to 20:00 Monday to Saturday and 08:00 to 18:00 Sunday and Bank Holidays.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the appeal site is an appropriate location for an A3 (restaurant and café) use, having particular regard to the development plan and the vitality and viability of the South Woodford District Centre

Reasons

3. The appeal site lies within a Primary Shopping Frontage (PSF) within the South Woodford District Centre. Policy LP10 of the Redbridge Local Plan (RLP) sets out the Council's approach to promoting the vitality and viability of the borough's town centres. RLP policy LP10(1)(b) seeks to support the primary retail function of PSFs by seeking to maintain a minimum of 70% of ground floor units are used as A1 retail uses.
4. RLP policy LP10 goes on to set out further criteria to be applied to proposals that do not meet the provisions of RLP policy LP10(1)(b). Thus, other factors to consider include whether the unit has been long term vacant¹ and subject to continuous marketing for an A1 retail use with reasonable terms and conditions; if the location and site of the unit offers a prime retail opportunity; and the contribution that the proposal would make to the vitality and viability of the frontage, and centre generally, and whether it will contribute to shoppers' experience.
5. There is no dispute that the proposal would fail to maintain a minimum of 70% of ground floor A1 retail uses within the District Centre but is not clear whether this relates to the District Centre as a whole, or just to PSFs. Nonetheless, as it is not disputed that the proportion of A1 retail uses only stands at 58%, I

¹ At least 12 months

- have considered the proposal against the provisions of RLP policy LP10(1)(d)(i) to (v).
6. The proposal would reduce the proportion of ground floor retail units being used for A1 retail purposes within the District Centre to 57%. I agree with the appellant insofar as the overall impact of the proposal's loss of an A1 retail unit on the District Centre as a whole would be limited. It also appears that the appeal unit has been vacant for a considerable length of time, based upon the content of the Yellands² letter.
 7. However, it is not clear when the letter was provided as it is undated and appears to relate to the first³ of two previous applications refused in 2018⁴, not to the application now the subject of this appeal. It may well have been the case that the unit was long-term vacant at the time of the first of these applications, and the unit appeared to be vacant at the time of my recent visit, but the Yellands letter does not adequately demonstrate that the unit has been subject to continuous marketing for A1 retail use, nor does it set out what the terms and conditions of that marketing exercise were. As that letter relates to an earlier application submitted in January 2018 and determined in July 2018, there is now a considerable period of time since its contents could be considered to be up to date. I am not persuaded therefore that it satisfactorily demonstrates whether those terms and conditions were reasonable nor whether there were any responses to the marketing or the nature of any responses, or indeed what marketing, if any, was undertaken to accompany the latest proposal.
 8. The stretch of George Lane PSF that the appeal site is situated within is detached from the bulk of the District Centre's PSF by the underground rail line and South Woodford station. There is, as the appellant suggests, a noticeable difference in the character of George Lane between one side of the rail line and the other, not least because the majority of the PSF lies on the opposite side of the station to the appeal site.
 9. That is not to say however that the appeal site lies in some sort of desolate backwater with an absence of passer's by. Rather, the parade that the appeal site is part of is relatively short and is close to the eastern entrance to South Woodford station. During the time of my visit to the site the area around the station entrance, including this stretch of the George Lane PSF, was bustling and lively and, given its position within a PSF and proximity to a busy point of pedestrian and public transport movement, I am not persuaded that the appeal site does not offer a prime retail opportunity.
 10. Nor is access to this stretch of the George Lane PSF as limited as the appellant implies. The footbridge at the station provides a direct link between this part of the PSF and that beyond, supplemented by a conveniently located underpass accessed close by. 'The Viaduct' does also provide more circuitous pedestrian access between the two, but I do not consider access between the two to be the impediment that the appellant suggests.
 11. I accept that the proposal would introduce an active shopfront in comparison with the currently vacant retail unit and would thus have the ability to generate

² Yellands (Estates Ltd) – undated and unreferenced letter signed by / attributed to Jay Trikamji

³ LPA Ref No 0105/18 – refused 04/07/2018

⁴ The other being LPA Ref No 3728/18 – refused 07/11/2018

footfall and contribute to the vitality and viability of the PSF and wider District Centre. These factors weigh moderately in support of the proposal. I accept too that patterns of retailing are changing and in this respect I have also noted the extracts of appeal decisions to which I have been referred⁵.

12. However, the proposal would result in a distinct cluster of non-A1 uses in this particular part of the George Lane PSF, thereby further emphasising the already low proportion of ground floor A1 retail units across the District Centre's PSF and would therefore be contrary to the Council's stated aim of supporting the primary retail function of PSFs as set out by RLP policy LP10. It is not that RLP policy LP10 is overly prescriptive, as the appellant suggests, rather that the application and evidence before me does not adequately address the flexibility that RLP policy LP10(1)(d)(i) to (iv) allows for. The proposal is, for the reasons I have set out, contrary to RLP policy LP10.

Conclusion

13. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Graeme Robbie

INSPECTOR

⁵ APP/M0655/A/13/2198097 and APP/C1950/W/18/3206058