

Development Committee	<b>Date:</b> 16 June 2015	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
-----------------------	------------------------------	--	----------------------------

<b>Report of:</b> Corporate Director of Development and Renewal	<b>Title:</b> Planning Application
<b>Case Officer:</b> Gerard McCormack	<b>Ref No:</b> PA/15/00095
	<b>Ward:</b> Bow West

## 1. APPLICATION DETAILS

<b>Location:</b>	418 Roman Road, London, E3 5LU
<b>Existing Use:</b>	Retail use (Use Class A1) at ground floor level and residential above at first floor
<b>Proposal:</b>	<ul style="list-style-type: none"> <li>a) Creation of a ground floor studio flat at the rear of the property within an extended single storey rear extension</li> <li>b) New shop front</li> <li>c) Extension of the basement</li> <li>d) Erection of a mansard roof extension</li> </ul>
<b>Drawing and documents:</b>	507/1, 507/2, 507/3 and 507/4, Design and access statement and impact statement
<b>Applicant:</b>	Mr Imran Darr
<b>Ownership:</b>	Mr Robert Webster
<b>Historic Building:</b>	N/A
<b>Conservation Area:</b>	Medway Conservation Area

## 2. **BACKGROUND**

- 2.1 The Development Committee considered the application at 418 Roman Road, as described above, at the meeting on 14 May 2015. The officer recommendation was to grant planning permission (see Appendix).
- 2.2 The Committee resolved not to accept the officer recommendation and indicated they were minded to **REFUSE** planning permission on the basis that the proposed development would undermine the viability of the retail unit and therefore impact on the vitality and viability of Roman Road town centre. The Committee did not object to other aspects of the proposed development.
- 2.3 In accordance with Development Procedural Rules, the application was **DEFERRED** to the next committee to enable officers to prepare a deferral report to provide wording for reasons for refusal and providing commentary on the detailed reasons for refusal on the application.

### 3. THE COMMITTEE'S PROPOSED REASONS FOR REFUSAL

#### Reduction in retail floor space

3.1 The original report explained that the proposed reduction in floor space would leave 77sqm of usable retail floor space, split across the ground floor (45.5sqm) and an extended basement area (31.5 sqm). There are no Development Plan policies or supplementary guidance that set a minimum size for viable retail floor space in Roman Road or any other town centres.

3.2 Policy DM1(7) does deal with the physical attributes of town centre development and says that:

*“Development within a town centre will be supported where it does not have an adverse impact upon the function of a town centre use. Town centre development will need to demonstrate:*

*a. adequate width and depth of floorspace has been provided for the town centre uses;*

*b. a shop front has been implemented in the first phase of development; and*

*c. appropriate servicing arrangements have been provided.*

3.3 Hence in terms of assessment against this policy the decision maker must come to a view as to whether the resulting change to the retail floor space would leave adequate width and depth of floor space for town centre uses to operate from the premises. This is a matter of fact, degree and qualitative judgement.

3.4 The original report also outlined part of the Inspector's conclusion in an appeal involving similar proposals that would reduce floor space at 569 Roman Road. For ease of reference, the Inspector's conclusion is set out below.

*“There is no direct policy conflict since a retail presence would be kept and a change in size is not precluded. Moreover, there is no commercial evidence to support the notion that a smaller unit would be less attractive to potential users. On the contrary the shop has apparently been let and the rear portion has already been sub-divided. Policy SP01 of the Core Strategy seeks to support town centres as vibrant economic hubs by, amongst other things, encouraging additional floor space. However, the implications of the proposal are so small that these general aims would not be jeopardised.”*

3.5 Officers took a similar view in this case that there is no direct policy conflict. There is no conclusive empirical evidence that the proposed development would render the shop unit unattractive to future occupiers or unviable in terms of overall quantity of floor space. Furthermore the current operator intends to continue trading from the premises.

3.6 The Committee heard from an objector who expressed concerns about the relative attractiveness of the shop unit in the long term, drawing attention not only to the reduction in the amount of floor space but also the quality of the floor space in terms of the reduction in width of the floor space, the distribution of retail floor space across ground and basement levels and no provision for convenient step free access and the likelihood that the basement would not be used for primary retailing and likely to be used mainly for storage.

- 3.7 In terms of the overall quality of floor space arising from the amended layout, the proposed plans show a 4 metre wide shop frontage with direct access from the street. The retail floor space would narrow in width to 2.7 metres, some 4 metres back from the shop front to accommodate a proposed common hallway serving the proposed rear studio flat. The floor space would then extend for a further 9 metres into the building maintaining a width of 2.7 metres. The space would be also partially sub divided by a load bearing wall with a 1 metre wide opening.
- 3.8 Whilst officers do not wish to change their original recommendation, the views of the Committee and the comments from the objectors to the application are important material considerations.
- 3.9 If the committee are minded to refuse planning permission, officers advise that this should be in relation to the overall quality of the floor space remaining taking into account the amount of floor space and the proposed physical arrangements and layout.

#### Implications of a decision to refuse planning permission

- 3.10 In the event that the Committee resolves to refuse the application, the following options could be exercised by the applicant.
- 3.11 The applicant could approach the Council for further pre-application advice on an amended proposal and thereafter submit a new application that deals with the reason for refusal.
- 3.12 The applicant could exercise their right to appeal to the Secretary of State against the Council's decisions. The appeals would be determined by an independent inspector appointed by the Secretary of State. Section 3 of this report sets out the officer assessment of the likelihood of success in defending the reason for refusal, particularly in the context of the appeal decision at 569 Roman Road. However if the Committee do resolve that the application for planning permission should be refused officers will seek to robustly defend the Council's position.

## **4. RECOMMENDATION**

- 4.1 Officers' do not wish to change their original recommendation as set out in the report to Development Committee on 14 May 2015 to grant planning permission.
- 4.2 However, if Members are minded to refuse planning permission then the following reason is recommended:

The proposed development would result in poor quality retail floor space in terms of overall layout, the reduction in the width for the majority of the ground floor space and the distribution of retail floor space across ground floor and basement level with no step free access. The proposals would reduce the long term attractiveness of the premises to future occupiers and the viability of the retail premises in the town centre. The proposed development would therefore conflict with policy DM1(7) of the Tower Hamlets Local Plan, Managing Development Document (2013), which requires that adequate width and depth of floor space is provided for town centre uses.