



# REGULATORY SERVICES COMMITTEE

2 October 2014

# REPORT

**Subject Heading:**

P0986.14 – 104 Petersfield Avenue,  
Harold Hill, Romford

Change of use from A1 retail to a D2  
Leisure use for a ladies only gym and spa.

Application received 16/07/2014

**Report Author and contact details:**

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**Policy context**

Local Development Framework  
London Plan  
National Planning Policy Framework

**Financial summary**

None

**The subject matter of this report deals with the following Council Objectives**

Ensuring a clean, safe and green borough	[ ]
Championing education and learning for all	[ ]
Providing economic, social and cultural activity in thriving towns and villages	[ X]
Valuing and enhancing the lives of our residents	[X]
Delivering high customer satisfaction and a stable council tax	[X]

## SUMMARY

This application relates to a Council owned property in the Major Local Centre of Petersfield Avenue for the change of use of No 104 from an A1 use to a D2 Leisure use as a ladies only gym and spa. The planning issues are set out in the report below and relate to the principle of the use, the impact upon the centre and residential amenity. Staff consider the proposal to be acceptable as an exception to policy and recommend that planning permission be granted.

## RECOMMENDATIONS

That planning permission be granted subject to the following condition:

1. The development to which this permission relates must be commenced not later than three years from the date of this permission.

Reason:-

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. The premises shall not be used for the purposes hereby permitted other than between the hours of 9.00am and 8.00pm on Mondays to Saturdays and 10.00am to 3.00pm on Sundays, Bank and Public holidays.

Reason:-

To enable the Local Planning Authority to retain control in the interests of amenity, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

3. Before the development hereby approved is brought into use a window display area shall be provided and thereafter maintained to the satisfaction of the Local Planning Authority in accordance with details which shall previously have been agreed.

Reason:-

In the interests of visual amenity, and in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

4. Before the development hereby permitted commences details of a scheme shall be submitted to and approved in writing by the Local Planning

Authority which specifies the provisions to be made for the control of noise emanating from the site. Such scheme as may be approved shall be implemented prior to the use commencing and thereafter retained in accordance with the approved details.

Reason:-

To prevent noise nuisance to adjoining and adjacent premises in order that the development accords with the Development Control Policies Development Plan Document Policies DC55 and DC61.

5. Before any use commences a scheme for any new plant or machinery shall be submitted to and approved by the Local Planning Authority to achieve the following standard. Noise levels expressed as the equivalent continuous sound level LAeq (1 hour) when calculated at the boundary with the nearest noise sensitive premises shall not exceed LA90 -10dB and shall be maintained thereafter to the satisfaction of the Local Planning Authority.

Reason:-

To prevent noise nuisance to adjoining and adjacent premises in order that the development accords with the Development Control Policies Development Plan Document Policies DC55 and DC61.

## 1. INFORMATIVES

Statement Required by Article 31 (cc) of the Town and Country Planning (Development Management) Order 2010: No significant problems were identified during the consideration of the application, and therefore it has been determined in accordance with paragraphs 186-187 of the National Planning Policy Framework 2012.

### REPORT DETAIL

#### 1. **Site Description**

- 1.1 The application site comprises of the ground floor and basement of 104 Petersfield Avenue which is a vacant A1 Retail unit.
- 1.2 The property is a Council owned vacant mid-terrace shop within a row of 21 units. These properties combined are designated as a Major Local Centre. The upper floors of the parade consist of residential maisonettes.
- 1.3 To the front of the site is a layby and to the rear is a car park that provides car parking spaces for the parade. To the southwest of the site are residential properties.

1.4 To the north east of the site is a day centre and St. Pauls Church.

## 2. **Description of Proposal:**

2.1 The proposal is for the change of Use from A1 retail to D2 Leisure for a ladies only gym and spa.

The proposed hours of use are as follows:

Monday to Saturdays	9.00am to 8.00pm
Bank Holidays and Sundays	10.00am to 3.00pm

2.2 It is proposed to have 1 full time, and 1 part-time member of staff.

## 3. **Relevant History**

P1136.13 - Change of Use of the existing vacant retail (A1) unit to a hot food takeaway (A5) with a new rear external extract duct – Approved

## 4. **Consultations and Representations:**

4.1 29 neighbouring properties have been consulted, no representations received to date. The application has been advertised in the local press and on site as a departure from the Development Plan.

London Fire Brigade Water Team - No objections

London Fire & Emergency Planning Authority Team- No objections

Environmental Protection - No objections subject to appropriate conditions

Essex & Suffolk Water - No objections

Highways- No objections

## 5 **Relevant Policies**

5.1 LDF

CP4 - Town Centres

DC16 - Core and Fringe Frontages in District and Local Centres

DC26 - Location of Community Facilities

DC27 - Provision of Community Facilities

DC33 - Car Parking

DC36 - Servicing

LONDON PLAN

2.15 - Town Centres

4.7 - Retail and town centre development

4.8 - Supporting a successful and diverse retail sector

6.13 - Parking

6.9 - Cycling

## NATIONAL POLICY GUIDANCE

NPPF - National Planning Policy Framework

### 6 **Mayoral CIL Implications**

The proposal is not Mayoral CIL liable.

### 7. **Staff Comments**

7.1 The issues arising from this application are the principle of development, the impact on the vitality and viability of the Centre, impact on neighbours living conditions and parking and highway matters..

#### **Principle of Development**

7.2 The advice contained in the NPPF is that retail vitality should be protected such that Local Plans should "define the extent of town centres and primary shopping areas, based on a clear definition of primary and secondary frontages in designated centres, and set policies that make clear which uses will be permitted in such locations".

7.3 The application site is located within the Petersfield Avenue Major Local Centre. Policy D16 states that planning permission for service uses (A2, A3, A4, A5) will only be granted within District and Neighbourhood Centres throughout the retail core at ground floor level where:

- the use provides a service appropriate to a shopping area
- the proposal will not result in the grouping of 3 or more adjoining A2-A5 uses
- within the retail core of Hornchurch and Upminster the proposal will not result in the proportion of non-retail uses within the relevant frontage exceeding 20% of its total length. Within the retail cores of Collier Row, Elm Park, Harold Hill and Rainham and the Major Local Centres, a 33% figure will apply.

7.4 The application is for a D2 unit from a vacant A1 unit.

7.5 The purpose of the policy is to ensure the continued vitality and viability of the various size retail centres throughout the Borough by exercising control over the nature of the uses and the mix of uses which can locate there. In this instance, the proposed use would fall within a non-retail "D" Use Class, adjacent to an existing sui generis beauty salon at 102 Petersfield Avenue which is also run by the applicant. Although not within the "A" use class staff are satisfied that it could be argued that the proposal would provide a service appropriate to a shopping area, create a footfall and generally contribute to the vitality and viability of the centre. The proposed change of use would not result in 3 or more A2-A5 (or other non-retail) adjoining uses

nor would it result in more than 20% of the length of the existing frontage being in non-retail use.

- 7.6 Whilst the proposed change of use would not accord with the above policy in relation to retaining A-Class uses, the proposed use is considered to be akin to a service use, and being linked to the adjacent successful beauty salon, would be more likely to attract footfall and custom to the remainder of the parade. Members may therefore wish to make an exception in this case given that the proposal would involve bringing a vacant unit back into use.

### **Design and Impact on Street scene**

- 7.7 Policy DC61 states that development must respond to distinctive local buildings forms and patterns of development and respect the scale, massing and height of the surrounding context.
- 7.8 The proposed application does not involve any external works to the existing shop front or fascia. In the event that Members approve the application a condition can be imposed requiring the applicant to maintain an active window display at the premises to ensure that it does not appear as dead frontage..
- 7.9 It is therefore considered that the proposed development would safeguard the character and appearance of the parade and surrounding area. The proposal is acceptable in accordance with Policy DC61 and advice contained within the NPPF..

### **Impact on Amenity**

- 7.10 Policy DC61 considers that new developments should not materially reduce the degree of privacy enjoyed by the occupants of adjoining properties and should not have an unreasonably adverse effect on sunlight and daylight to adjoining properties.
- 7.11 With regard to the impact upon the amenity of neighbouring occupants consideration must be given to potential implications in terms of operating hours, noise and disturbance and odours, particularly in view of the fact that there are residential properties located on the upper floors of the parade.
- 7.12 The proposed use would not significantly increase the level of noise and disturbance from pedestrian movements and vehicles over and above the existing conditions. If minded to grant planning permission, conditions will be placed for the following aspects: opening hours, trading days, deliveries, noise insulation and refuse storage.
- 7.13 The proposed use would not be open later than 8:00pm Monday to Saturdays and 3.00pm on Sundays and Bank Holidays. It is considered that the proposed opening hours would not result in a significant increase in noise and disturbance over and above existing conditions, as the site is located within a fully functional commercial parade.

- 7.14 Subject to safeguarding conditions, it is considered the proposal would not harm the living conditions of neighbours in accordance Policy DC61.

### **Highways and Parking**

- 7.15 The application does not involve any changes to the existing highway or creation of car parking provisions. There is an existing lay-by that is situated to the front of the parade of shops, unrestricted on street car parking within the immediate vicinity and service area to the rear.
- 7.16 It is considered that the proposal would not result in any highway or parking issues. Servicing would take place from the rear of the unit. Highways raised no objections. The proposal is therefore considered acceptable in parking standards terms and highway safety in accordance with Policy DC33..

## **8. Conclusions**

- 8.1 The proposed development is considered to be contrary to Policy DC16 of the LDF, however, the nature of the use proposed is not necessarily considered to be inappropriate within a Major Local Centre. The proposal would bring a vacant unit back into use, provide employment, generate footfall and contribute to the vitality and viability of the Centre. On this basis Members may consider that the economic benefits potentially derived from the proposal are sufficient to overcome any harm arising from the loss of the retail unit.
- 8.2 It is recommended that planning permission be granted.

## **IMPLICATIONS AND RISKS**

### **Financial implications and risks:**

None arising.

### **Legal implications and risks:**

None arising

### **Human Resources implications and risks:**

There are no human resources and risks directly related to this report.

### **Equalities implications and risks:**

The proposal is for a ladies only establishment, but this is responding to a demand for single sex leisure facilities which may encourage wider gym use by others who may be discouraged from using a mixed sex facility.

## **BACKGROUND PAPERS**

Application form, drawings and supporting statements received on 9 June 2014.