

# REGULATORY SERVICES COMMITTEE

## REPORT

17 May 2011

**Subject Heading:**

**P0324.12 41 White Hart Lane  
change of use of the ground floor of  
the premises to Tanning Shop (Sui  
Generis).  
(Application received 8 March 2012)**

**Report Author and contact details:**

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**Policy context:**

**Local Development 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	[ ]
Delivering high customer satisfaction and a stable council tax	[ ]

### SUMMARY

This matter is brought before committee as the site is Council owned. The application seeks planning permission for the change of use of the premises to Tanning Shop (Sui Generis). Staff are of the view that the proposal is acceptable and it is recommended that permission is granted subject to conditions.

## RECOMMENDATIONS

It is recommended that planning permission be granted subject to the following conditions:

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 development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications.

Reason:-

The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

3. The premises shall not be used for the purposes hereby permitted other than between the hours of

- Monday to Saturday 8:30 am -10.00 pm
- Sunday and Bank Holidays 11.00 am - 4.00 pm

without the prior consent in writing of the Local Planning Authority.

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.

## INFORMATIVES:

### 1. Reason for approval:

The proposed development is considered to be in accordance with the aims, objectives and provisions of Policies, DC33, and DC61 of the Local Development Framework Core Strategy and Development Control Development Plan Document together the National Planning Policy Framework, part 1 and 2.

## REPORT DETAIL

### 1.0 Site Description

- 1.1 The application site comprises a vacant former commercial premises located on the western side of White Hart Lane, mid way between Collier Row Road, and Mawney Road. The premises is a Council owned property.
- 1.2 Opposite the site is the Crownfield Junior and Infant School. The site is located within a purpose built terrace building which contains a range of retail and commercial uses with flats above.
- 1.3 The site is not within a designated Minor Local Centre within the Borough.
- 1.4 The ground floor of the premises is currently vacant and was previously used as florist. Planning records indicate that the site had previous approval for use as betting shop. A residential flat is above the premises. There are flats on the upper floor of adjoining properties.
- 1.5 The shopping parade is typical of many others in the Borough and includes an off licence, betting shop, News agency, hairdresser, and take-away premises set amongst other shops.

### 2.0 Description of Proposal

- 2.1 This full planning application proposes the change of use of the ground floor of the premises to a Tanning Shop (Sui Generis).
- 2.2 The use will be established on the ground floor only. A separate residential tenancy is at first floor level with external access from the rear. The subject premises has a floor area of approximately 51sqm.
- 2.3 It is proposed that the premises will operate between
  - Monday to Saturday 8:30 am - 10.00 pm
  - Sunday and Bank Holidays 11.00 am - 4.00 pm

2.4 Customers will visit the premises after pre booking an appointment. There are to be 2.0 FTE staff employed in the business.

2.5 The premises has no access to regulated off street car parking.

### **3.0 Relevant History**

3.1 There is no relevant planning history for the site.

### **4.0 Consultation**

4.1 The application was publicised by direct notification to nearby properties. No letters of objection were received.

### **5.0 Relevant Policies**

5.1 DC16, DC33 and DC61 of the LDF Development Control Policies Development Plan Document are relevant in the determination of this application. The NPPF is also relevant; 1) Building a Strong Economy and 2) Ensuring the Vitality of Town Centres.

### **6. Mayoral CIL Implications**

6.1 The proposal does not generate a requirement for a CIL payment, as the application is for a change of use for non residential purposes.

### **7.0 Staff Comments**

7.1 The key issues of consideration in the application relates to the suitability of the use for the subject site, impact on amenity, car parking and consistency with relevant policy.

### **8.0 Principle of Development**

8.1 The application site is not within one of Havering's designated District or Minor Local Centres. The site is therefore not subject to numerical criteria which control the percentage of the frontage in retail and non-retail use, nor policies that encourage the retention of retail uses.

8.2 Non retail uses are not prevented from establishing in the Borough's smaller shopping centres. The proposed use is considered appropriate to a minor local shopping area as it complements the retail function of White Hart Lane, has an active frontage, is open during core retail hours and does not significantly harm the character, function and vitality and viability of the area.

8.3 The proposed change of use would therefore be acceptable in principle and would not be inconsistent with relevant policies.

## **9. Design/Impact on Street/Garden Scene**

9.1 There are no impacts on the streetscene as a result of the proposal.

## **10. Impact on Amenity**

10.1 It is not anticipated that there will be any significant noise and disturbance arising from the proposed use, as most people will have a pre-booked appointment, and will arrive at the White Hart Lane entrance. The level of noise is not expected to be significant.

10.2 It is considered that a change of use to a Tanning Salon (Sui Generis) would not result in any additional harm to the amenity of the neighbouring occupiers as the proposed opening hours would be limited to that requested by the applicant. Hours will therefore be conditioned to be between;

- Monday to Saturday 8:30 am -10.00 pm
- Sunday and Bank Holidays 11.00 am - 4.00 pm

10.3 Nor will there be any large, out of hours deliveries collection that could potentially affect the surrounding area.

## **11.0 Highway/Parking**

11.1 Policy DC33 of the Core Strategy and Development Control Policies DPD is supported by Annex 5. Within Annex 5 there are no specific requirements outlined for parking for the use proposed.

11.2 The premises has no access to off-street parking. The amount of traffic that is likely to be generated is considered to similar to other surrounding retail uses and there is unlikely to be a significant change to access to on street car parking, although the standard for a retail shop is most relevant.

11.3 The parking provision is therefore considered sufficient and LBH Highways has no objection to the application.

## **12.0 Key Issues/Conclusions**

12.1 It is considered that the proposal satisfies policy requirements in relation to the establishment of non-retail uses. The proposal is considered to meet the aims and objectives of Policies DC33 and DC61 of the LDF Core Strategy and Development Control Policies DPD.

12.2 The proposed use is considered appropriate in the context of surrounding uses, would be acceptable in terms of its impact on residential amenity and parking/highways, subject to a condition restricting the hours of operation.

12.3 The application is recommended to Members for approval, subject to conditions that include limiting the hours of operation.

## **IMPLICATIONS AND RISKS**

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

None.

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

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

None.

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

None.

## **BACKGROUND PAPERS**

Application forms and plans received 08/03/2012.