

CITY OF WESTMINSTER			
PLANNING APPLICATIONS COMMITTEE	Date 26 July 2016	Classification For General Release	
Report of Director of Planning		Ward(s) involved Bayswater	
Subject of Report	58 Westbourne Grove, London, W2 5SH,		
Proposal	Use of ground floor east shop unit as a reflexology/ massage and retail shop (Sui Generis).		
Agent	Marcos Pavlides		
On behalf of	Marcos Pavlides		
Registered Number	16/02966/FULL	Date amended/ completed	26 April 2016
Date Application Received	3 April 2016		
Historic Building Grade	Unlisted		
Conservation Area	Westbourne		

1. RECOMMENDATION

Grant conditional planning permission.

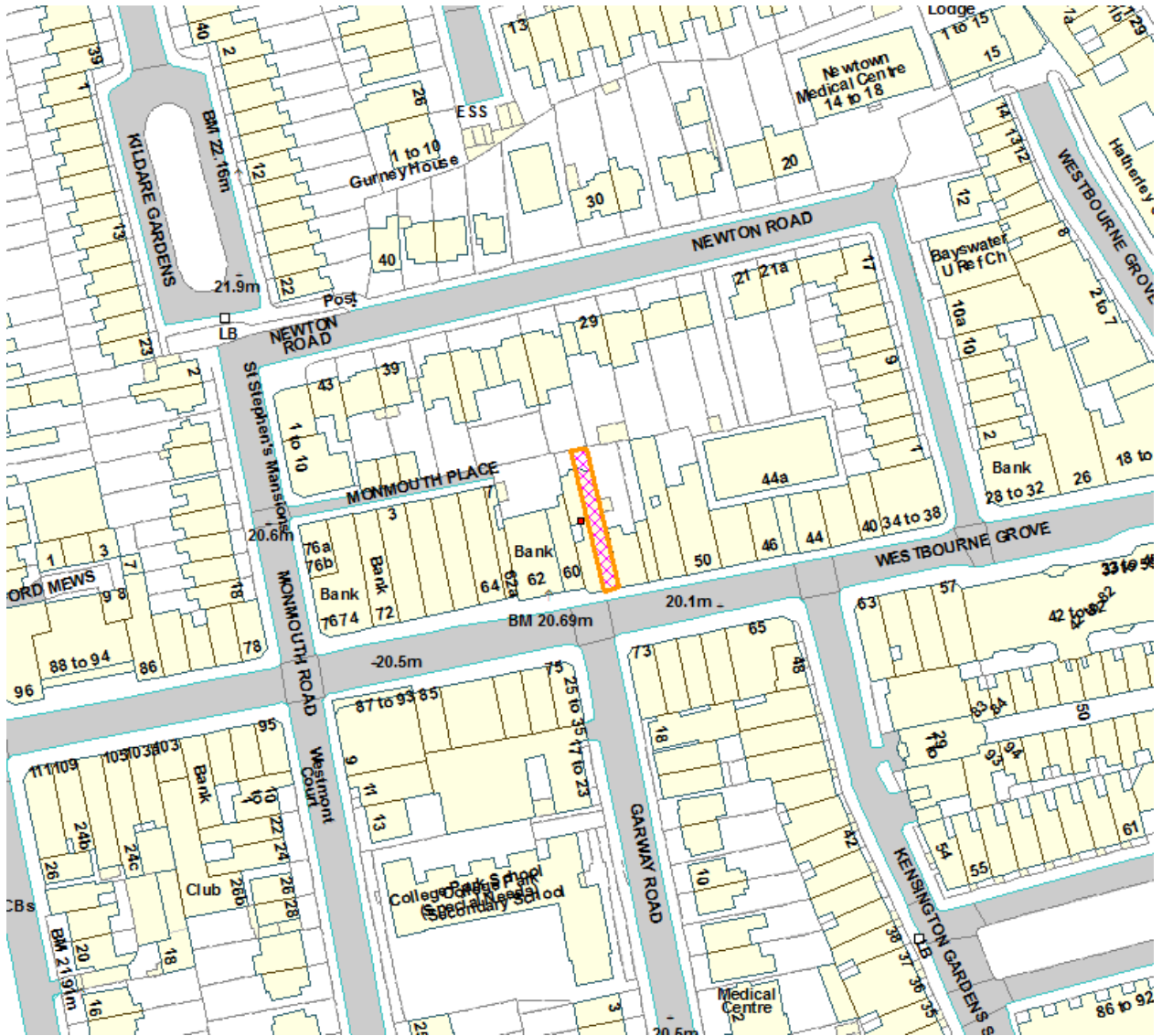
2. SUMMARY

The application site is part of a three storey plus basement mixed use building located on Westbourne Grove in the Bayswater Conservation Area. Permission is sought for the change of use of the eastern half of a Class A1 retail unit to a reflexology/massage and retail shop (Sui Generis).

The key issue in the determination of this case is whether the loss of a Class A1 retail shop within the core frontage of the Queensway and Westbourne Grove District Centre would harm the retail character and function of this District Centre.

As set out in the report, in this instance and given the particular circumstances of the case, the proposed change of use is considered to be acceptable in land use terms; notwithstanding the normal policy requirements of Policy SS6 in the Unitary Development Plan and S21 Westminster's City Plan Strategic Policies. As such, it is recommended that conditional planning permission is granted.

3. LOCATION PLAN



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4. PHOTOGRAPHS



Previous arrangement of A1 unit until December 2015



Interior of eastern unit (current A1 arrangement).



Interior of current massage/reflexology shop in Whiteley's



Retail sales offering in current unit in Whiteleys

5. CONSULTATIONS

WARD COUNCILLORS FOR BAYSWATER

Any response to be reported verbally.

SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally.

BAYSWATER RESIDENTS ASSOCIATION

Any response to be reported verbally.

HIGHWAYS PLANNING

No objection but expressed concern over lack of provision for servicing and cycle parking.

CLEANSING

No objection provided certain conditions are complied with.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS RECEIVED

No. Consulted: 25

Total No. of replies: 2

No. of objections: 0

No. in support: 2

The applicant has submitted a response letter and a petition signed by 118 of his clients. A staff member also submitted a letter of support.

PRESS ADVERTISEMENT / SITE NOTICE: Yes.

6. BACKGROUND INFORMATION

6.1 The Application Site

The application premises are located within the Core Frontage of the Queensway and Westbourne Grove District Centre. This application lies in the Westbourne Conservation Area, but the building is not listed

Until December 2015 the whole of the application premises were used as a Class A1 carpet shop. The unit has now been divided into two, referred to in this report as the eastern unit and western unit. The application relates solely to the eastern unit. The western unit is currently vacant but has a lawful Class A1 use. The adjacent property, No.56 Westbourne Grove is also vacant but has a lawful use as a Class A3 restaurant/ café. The character of the area comprises a mix of commercial uses including retail, entertainment and residential accommodation at upper levels.

6.2 Recent Relevant History

01/07898/FULL: Change of use of shop (Class A1) to restaurant (Class A3) use at ground and first floor level. This was refused on the grounds of loss of retail accommodation and a subsequent appeal was dismissed.

04/03512/FULL: Change of use of ground floor from a shop unit (Class A1) to use as an Estate Agents (Class A2) and associated replacement of existing shop front with full height glass shop front. This was refused on the grounds of loss of retail accommodation and a subsequent appeal was dismissed.

13/04976/FULL: Continued use of raised ground floor as self-contained 1 x 1 bedroom flat and associated external alterations including rear infill extension and front window. Application approved.

14/05767/FULL: New shop fronts to 56-58 Westbourne Grove, extend 58 Westbourne Grove shop front to its original position in line with 56 Westbourne Grove and beneath the existing overhead section of shop front. Application approved (not yet implemented)

7. THE PROPOSAL

Permission is sought for a change of use of the eastern unit of No. 58 from a Class A1 retail use to a sui generis use comprising a reflexology/ massage centre and retail sales.

The applicant advises that a small portion of the rear of the application site is to be retained in Class A1 use and used in connection with the western unit as a Class A1 timber flooring shop.

8. DETAILED CONSIDERATIONS

8.1 Land Use

Loss of retail use

The applicant's reflexology and massage business currently occupies a shop unit within Whiteley's and has occupied this unit within the centre for over 20 years. Due to the impending redevelopment of Whiteley's, the business will shortly face closure unless it can find an alternative shop premises to operate from in the local area. It is considered the business is currently operating as a sui generis use providing reflexology and massage services and ancillary retail sales to predominantly walk-in customers.

Policy SS6 of the Unitary Development Plan (UDP) and S21 of the City Plan seek to protect Class A1 uses within the Core Frontage within the District Centres. SS6 (Core Frontage) specifically seeks to prevent the total length of Core Frontage in non-A1 use at ground floor level on Westbourne Grove and Queensway from exceeding 25% and requires that that the proposals do not result in more than two non-A1 unit located consecutively in a frontage

The most recent land use survey figures for the District Centre (from 2013-14) show that this threshold has already been exceeded and total non-A1 usage is 39.1% (see table below). This proposal would add to the excess of non-A1 use and so cannot be considered fully in accordance with Policy SS6. However, the applicant has confirmed that should the business move to application site he intends to increase the retail floorspace and stock levels as the unit has a larger internal area. Given the application does

propose the inclusion of a significant quantum of retail shop floorspace within the overall mixed use immediately behind the shop front, thereby maintaining a retail character to the front of the premises and provide a retail offer to visiting members of the public and this is welcomed

Table 1 – Percentage of Class A1 and Non-A1 Shop frontage within the District Centre

Shopping Centre	Frontage	A1 shopfront (m)	Non-A1 Shopfront (m)	Total shopfront (m)	% Non-A1	% Non-A1 permitted
Queensway/ Westbourne Grove	Core	1017	652	1669	39.1	25.0
	Secondary	127	162	289	56.0	45.0

The proposal would not result in more than two consecutive non-A1 units within the Core Frontage.

It is considered that in this instance, the proposal to relocate a long established local business which maintains a retail presence on the street is acceptable in land use terms.. Conditions are recommended requiring the submission of further details of the proposed retail sales area at the front of the unit and for the retention of a retail sales display behind the shop front glazing.

8.2 Townscape and Design

8.3

No external works are proposed as part of this application..

8.4 Residential Amenity

8.5

This scheme is not considered to raise any amenity concerns.

8.6 Transportation/Parking

58 Westbourne Grove is within a Controlled Parking Zone so anyone who does drive to the site will be subject to those controls, however given the size and nature of the proposal, and the existing use it is considered the impact on parking is likely to be minimal.

TRANS20 requires off-street servicing, however no details of servicing have been provided with the application. The Highways Planning Manager considers that the level of servicing generated by the proposal is unlikely to be significant and therefore, in this does not require any further details and considers the proposals acceptable in this regard.

No cycle parking provision has been included in the proposal for staff members. A condition requiring one cycle space is recommended and a condition has been attached to secure details of this.

The drawing submitted did not include provision for the storage of general waste, recyclable materials and clinical waste and a condition has been attached requiring details of this to be supplied to the City Council.

8.7 Economic Considerations

No economic considerations are applicable for a development of this size

8.8 Access

There will be no change in access to the premises.

8.9 Other UDP/Westminster Policy Considerations

Not applicable.

8.10 London Plan

This application raises no strategic issues.

8.11 National Policy/Guidance Considerations

The City Plan and UDP policies referred to in the consideration of this application are considered to be consistent with the NPPF unless stated otherwise.

8.12 Planning Obligations

Planning obligations are not relevant in the determination of this application.

8.13 Environmental Impact Assessment

There are no environmental Impact issues related to this application.

8.14 Other Issues

The highways planning manager has queried that the business employs 40 part time staff. However it was clarified on site that the employees all work on a part time basis and at any given time there wouldn't be more than 5 staff members working.

9. BACKGROUND PAPERS

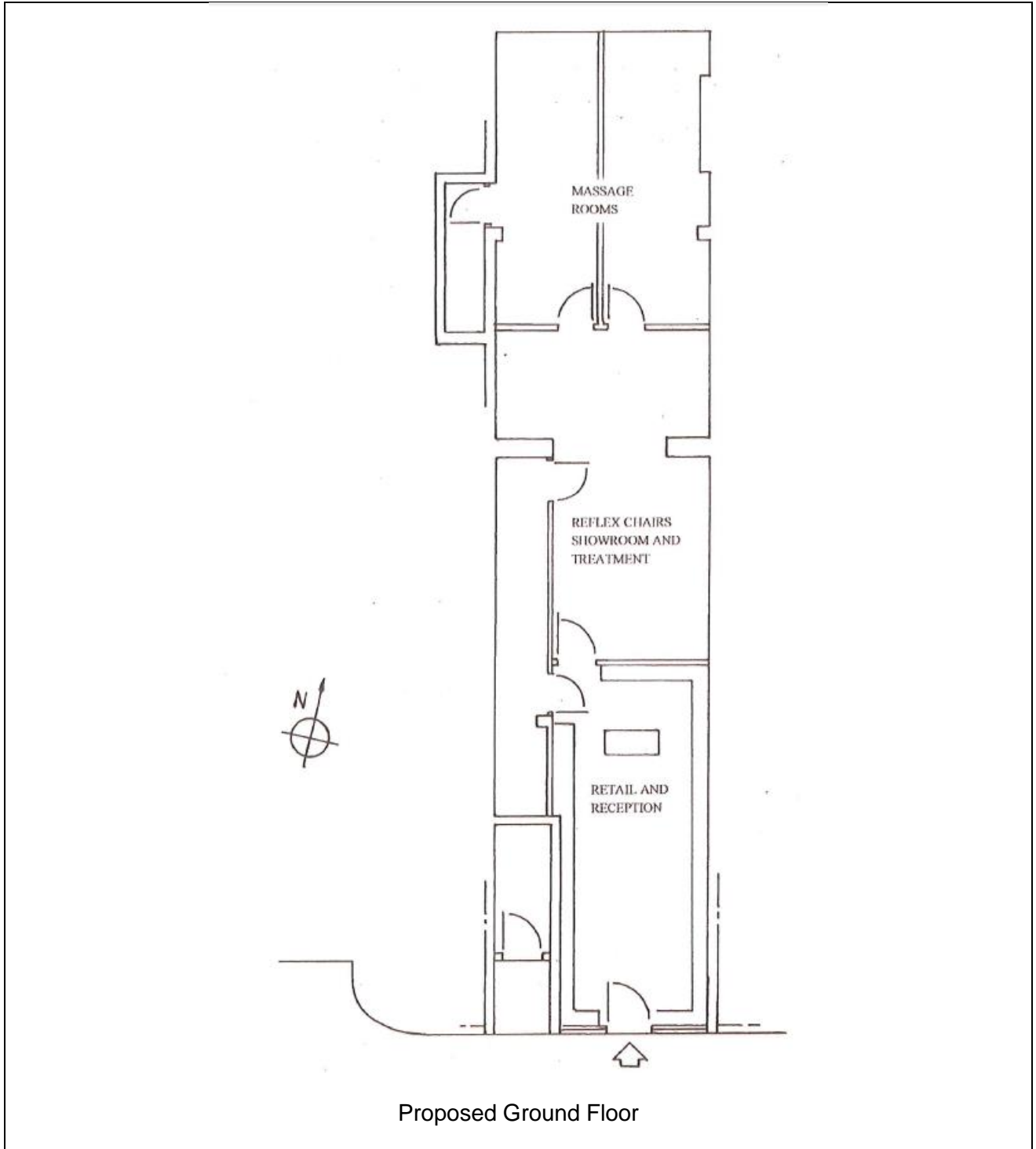
1. Application form.
2. Letter from occupier of 67a St John's Avenue Harlesden, London dated 1 July 2016
3. Memo from Cleansing Manager dated 20 May 2016
4. Memo from Highways Planning Manager dated 17 May 2016
5. Letter from the applicant dated 27 April 2016 with a petition of 118 letters of support from clients.

Selected relevant drawings

(Please note: All the application drawings and other relevant documents and Background Papers are available to view on the Council's website)

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT PLEASE CONTACT THE PRESENTING OFFICE: KIMBERLEY DAVIES BY EMAIL AT kdavies1@westminster.gov.uk .

10. KEY DRAWINGS



DRAFT DECISION LETTER

Address: 58 Westbourne Grove, London, W2 5SH,

Proposal: Use of ground floor (eastern) shop unit as a reflexology/ massage and retail shop (Sui Generis).

Plan Nos: Site location plan, proposed front elevation (for reference only), PWG 16-4-02, retail marketing statement, proposed retail offerings list, merchandising samples.

Case Officer: Heather Sevicke-Jones

Direct Tel. No. 020 7641 6519

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 You must carry out any building work which can be heard at the boundary of the site only:

- * between 08.00 and 18.00 Monday to Friday;
- * between 08.00 and 13.00 on Saturday; and
- * not at all on Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours. (C11AA)

Reason:

To protect the environment of neighbouring residents. This is as set out in S29 and S32 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 6 of our Unitary Development Plan that we adopted in January 2007. (R11AC)

- 3 You must apply to us for approval of details of how waste is going to be stored on the site and how materials for recycling and clinical waste will be stored separately. You must not start work until we have approved what you have sent us. You must then provide the stores for waste, clinical waste and materials for recycling according to these details. The bins that will be used for storage should be marked R for recyclable materials, C for clinical waste and W for residual waste on the plans and must be available at all times to everyone using the ground floor unit at 58A Westbourne Grove. The provisions for waste storage are to be made permanently available and used for no other purpose.

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in S44 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 12 of our Unitary Development Plan that we adopted in January 2007. (R14CC)

- 4 You must apply to us for approval of details of secure cycle storage for the unit. You must not start any work on this part of the development until we have approved what you have sent us. You must then provide the cycle storage in accordance with the approved details prior to occupation. You must not use the cycle storage for any other purpose.

Reason:

To provide cycle parking spaces for people using the development as set out in Policy 6.9 (Table 6.3) of the London Plan 2015.

- 5 You must not paint the window glass of the shop front or block it in any other way. The window must contain a display which must be maintained to our satisfaction.

Reason:

To protect the appearance and character of the shopping street as set out in SS 17 of our Unitary Development Plan that we adopted in January 2007. (R26IA)

- 6 The area titled retail and reception on the drawing numbered P/WG-16-4-02 shall be used for the display and sale of retail goods and shall not be used for any other purpose, including for reflex chairs showroom and treatment or as massage rooms.

Reason:

To protect the retail character and function of the Queensway and Westbourne Grove District Centre in accordance with Policies SS6 of the Unitary Development Plan (UDP) and S21 of the City Plan.

- 7 The business shall be open to customers from 09.00 am to 9.00 p.m Monday to Sundays.

Reason:

To protect the privacy and environment of people in neighbouring properties, as set out in S29 of Westminster's City Plan: Strategic Policies adopted November 2013 and ENV 13 of our Unitary Development Plan that we adopted in January 2007. (R21AC)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in Westminster's City Plan: Strategic Policies adopted November 2013, Unitary Development Plan, Supplementary Planning documents, planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

Item No.

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