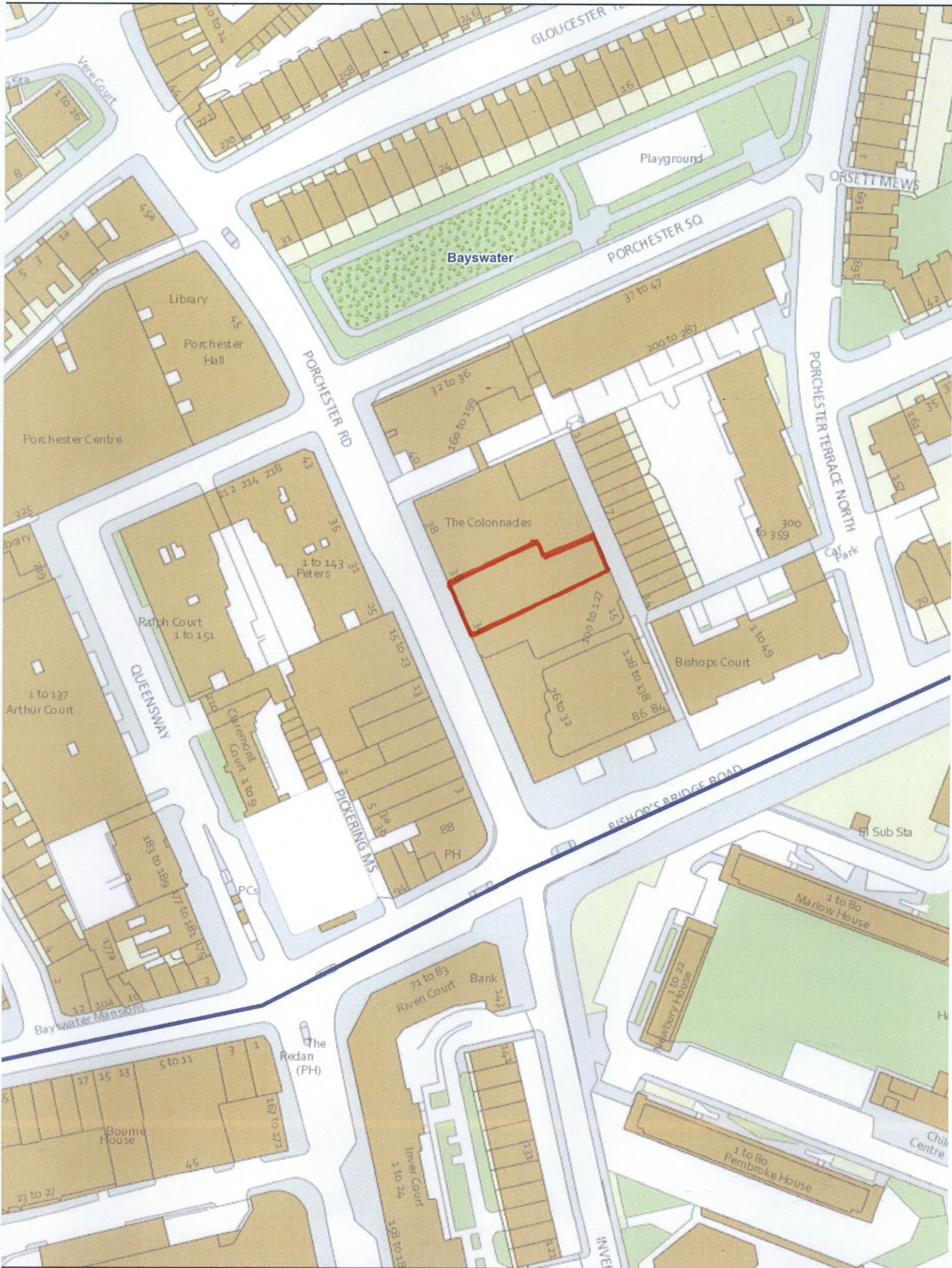


<b>CITY OF WESTMINSTER</b>			
<b>PLANNING APPLICATIONS COMMITTEE</b>	<b>Date</b> 20 October 2015	<b>Classification</b> For General Release	
<b>Report of</b> Director of Planning		<b>Wards involved</b> Bayswater	
<b>Subject of Report</b>	<b>The Colonnades, 26 Porchester Road, London, W2 6ES</b>		
<b>Proposal</b>	Use of Unit 2 (facing Porchester Road) as mixed gym, shop and juice bar (sui generis).		
<b>Agent</b>	GL Hearn		
<b>On behalf of</b>	TR Property Investment Trust plc		
<b>Registered Number</b>	15/06926/FULL	<b>TP / PP No</b>	TP/1279
<b>Date of Application</b>	30.07.2015	<b>Date amended/ completed</b>	30.07.2015
<b>Category of Application</b>	Other		
<b>Historic Building Grade</b>	Unlisted		
<b>Conservation Area</b>	Bayswater		
<b>Development Plan Context</b> - London Plan July 2011 - Westminster's City Plan: Strategic Policies 2013 - Unitary Development Plan (UDP) January 2007	Outside London Plan Central Activities Zone  Outside Central Activities Zone		
<b>Stress Area</b>	Within Stress Area (Queensway/Bayswater)		
<b>Current Licensing Position</b>	Not Applicable		

## 1. RECOMMENDATION

Refuse permission - loss of Class A1 retail shop use.





THE COLONNADES, 26 PORCHESTER ROAD, W2

## 2. SUMMARY

Following the resolution of the Planning Applications Committee on 11 March 2014, permission was granted on 9 October 2014 for reconfiguration of the basement, ground and first floors of the Colonnades at the corner of Bishop's Bridge Road and Porchester Road to enlarge and relocate the Waitrose supermarket from the northern end of the ground floor to part ground and first floor levels and reconfigure the layout of the ground floor to retain a small Class A2 unit and provide three Class A1 retail shop units and two Class A3 units. Of these reconfigured ground floor shop units, two face Porchester Road and are located within the Core Frontage of the Porchester Road Local Centre (Units 2 and 3). In granting permission in October 2014 the use of Unit 2 (the application site) was restricted to a Class A1 retail shop use, whilst the use of Unit 3 was restricted to a Class A3 restaurant/cafe use (see plan of retail units and their uses appended to this report).

The current application seeks permission for the use of Unit 2 as a mixed use comprising a gym, retail shop and juice bar (sui generis) operated by 'Barry's Bootcamp'. The front 6.5 metres of the unit across the full width of the shop frontage (97m<sup>2</sup>/ 20% of floorspace) would accommodate an access ramp, retail display and juice bar, with the reception desk doubling as a sales desk for Barry's Bootcamp merchandise. The rear 29.5 metres of the unit (393m<sup>2</sup>/ 80% of floorspace) are to be provided as gym space with a large exercise studio, changing rooms and ancillary staff and servicing accommodation.

The key consideration in this case is the loss of the lawful Class A1 use of the application premises. The relevant policy in Westminster's City Plan (the City Plan) is Policy S21 which states: *Existing A1 retail will be protected throughout Westminster except where the Council considers that the unit is not viable, as demonstrated by long-term vacancy despite reasonable attempts to let.* The relevant policy in the Unitary Development Plan (UDP) is Policy SS7, which states: *'In the Core Frontages at ground floor level, planning permission for change of use from A1 use will only be granted in the most exceptional circumstances.'* Paragraph 7.86 of the UDP supports Policy SS7 and states *'The maintenance of a concentration of shops in the Core Frontages is paramount. Only in the most exceptional circumstances will permission be given for loss of A1 use at ground floor level in the Core Frontages.'*

The retail unit that is the subject of this application has only recently been completed pursuant to the October 2014 permission and has yet to be occupied. The applicant has not provided any evidence with the application that it has not been possible to successfully let the retail unit for Class A1 use, either prior to its completion or since.

The applicant argues that the proposed use is a genuine mixed use with retail functions being carried out immediately behind the shopfront in the form of the proposed juice bar and merchandise sales area and that this will maintain the character and function of the Porchester Road Local Centre. However, in reality, given the small proportion of the unit given over to retail shop uses and as these retail uses would be intimately related to the gym use that occupies 80% of the overall floorspace (i.e. sales will comprise gym merchandise only and the juice bar is likely to be frequented by gym users), it is considered that in reality the use proposed comprises a Class D2 gym use with an ancillary retail sales area located within what is in effect the reception area for the gym. In this context, the proposed use would fail to maintain the predominant Class A1 retail function of the Core Frontage of the Porchester Road Local Centre and would be unlikely in practice to provide a particularly animated active street frontage.

The applicant considers that weight should be given to the overall increase in Class A1 retail floorspace following the reconfiguration of the retail floorspace within the Colonnades as part of the implementation of the October 2014 permission. Class A1 supermarket floorspace has increased by 1,910m<sup>2</sup> to 4,060m<sup>2</sup> (with the increase occurring at first floor level), whilst other

Class A1 floorspace has increased by 550m<sup>2</sup> to 790m<sup>2</sup>. However, the application site comprises the only ground floor Class A1 retail shop unit within the Core Frontage of the Porchester Road Local Centre. The applicant suggests that the ground floor elements of the supermarket premises that are predominantly located at first floor level should be considered as ground floor retail frontage. However, these parts of the supermarket unit comprise an access escalator and lift core at the corner of Bishop's Bridge Road and Porchester Road and an area of 'back of house' floorspace providing supermarket servicing and storage accommodation located behind the new recycling centre that has been formed at the northern end of the Porchester Road frontage of the Colonnades. In this context, the application site is the only Class A1 unit located within the Colonnades with a genuine shop frontage at ground floor level within the Core Frontage of the Porchester Road Local Centre. Given this and as Policy SS7 makes clear that there is little flexibility of the loss of Class A1 units at ground floor level within the Core Frontage, it is not considered that the applicant's argument on this point justifies the loss of the Class A1 use of the application site. It should be noted that Policy SS7 does provide flexibility for alternative uses within Local Centres, but these are directed towards locations at basement or first floor level or in locations outside the Core Frontages.

The applicant considers that there is demand for a Class D2 use in this location following the loss of the Pilates studio, which was located at first floor level within the Colonnades prior to implementation of the October 2014 permission. However, permission was granted on 7 October 2014 (14/07143/FULL) for this Pilates studio to relocate to 64-64A Porchester Road, within the Secondary Frontage of the Porchester Road Local Centre. As such, it is not considered that the loss of the Pilates studio from the Colonnades site justifies the provision of an alternative Class D2 use at ground floor level.

The opening hours proposed would be 06.00 to 23.00 Monday to Friday and 07.30 to 21.00 hours on Saturdays and Sundays. These are not considered to be objectionable in amenity terms given the location of the site and the distance to neighbouring residents. The proposed use would be unlikely to give rise to significant concerns in terms of gym users accessing the site given the availability of public transport and off-street public car parking in the vicinity of the site. The scheme includes appropriate waste storage.

In conclusion, the applicant has failed to demonstrate that there are exceptional circumstances that justify the loss of this Class A1 retail shop located within the Core Frontage of the Porchester Road Local Centre. Accordingly, as a result of the loss of the Class A1 use, the proposed use would be detrimental to the retail character of the Core Frontage of the Porchester Road Local Centre and would be contrary to Policy S21 in the City Plan and Policy SS7 in the UDP.

### **3. CONSULTATIONS**

#### **SOUTH EAST BAYSWATER RESIDENTS ASSOCIATION**

Objection. Class A1 use should be retained. Consider proposed use to be gym with ancillary merchandise display and customer juice bar. Do not consider that it would serve visiting members of the public. Note that the part of Unit 1 to the right of the application site does not have a shop frontage. Additional health club/gym not required. Consider marketing of unit should take place now given Waitrose above only opened last month. Note there is no evidence of marketing for A1 use in current application. Forthcoming public realm works will encourage good quality retailers.

#### **ENVIRONMENTAL HEALTH**

Any response to be reported verbally.

HIGHWAYS PLANNING MANAGER  
Any response to be reported verbally.

ADJOINING OWNERS/OCCUPIERS AND OTHER REPRESENTATIONS  
No. Consulted: 104; Total No. of Replies: 0.

ADVERTISEMENT/ SITE NOTICE: Yes.

## BACKGROUND PAPERS

1. Application form.
2. Letter from the applicant dated 23 July 2015.
3. Email from the South East Bayswater Residents Association dated 8 October 2015.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE  
BACKGROUND PAPERS PLEASE CONTACT NATHAN BARRETT ON 020 7641 5943 OR  
BY E-MAIL – [nbarrett@westminster.gov.uk](mailto:nbarrett@westminster.gov.uk)

**DRAFT DECISION LETTER**

- Address:** The Colonnades, 26 Porchester Road, London, W2 6ES
- Proposal:** Use of Unit 2 (facing Porchester Road) as mixed gym, shop and juice bar (Sui Generis).
- Plan Nos:** Site location plan, 12 Rev.04, 17 Rev.13, 5182-SK-01 Rev.B, Planning Statement dated July 2015, 2x example images of Barry's Bootcamp premises, letter from Barry's Bootcamp dated 23 July 2015 and letter from GL Hearn dated 29 July 2015.
- Case Officer:** Oliver Gibson **Direct Tel. No.** 020 7641 2680

**Recommended Reason for Refusal:****Reason:**

- 1 Your proposed development would lead to the loss of a Class A1 retail shop unit which contributes to the character and function of this part of Core Frontage of the Porchester Road Local Centre. This would not meet S21 of Westminster's City Plan: Strategic Policies adopted November 2013 and SS7 of our Unitary Development Plan that we adopted in January 2007. (X31AB)

**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 so far as practicable. 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. However, we have been unable to seek solutions to problems as the principle of the proposal is clearly contrary to our statutory policies and negotiation could not overcome the reasons for refusal.









Bishop's Quarter

BAYSWATER W2

# BARRY'S BOOTCAMP

TP  
RN  
ADDRESS



Computer generated image

