

Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 16/04540/FULL2

Ward:
**Chelsfield And Pratts
Bottom**

Address : 16 Crescent Way Orpington BR6 9LS

OS Grid Ref: E: 545434 N: 164436

Applicant : Mr D Nguyen

Objections : YES

Description of Development:

Change of use from A1 (retail) to Sui Generis (beauty salon)

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 14

Proposal

Planning permission is sought for the change of use of ground floor from retail (Class A1) to a nail bar (sui generis).

The site is currently vacant retail unit, within a small parade of shops along Crescent Way. The majority of these are in A1 use. The site is located on the South-Western side of Crescent Way, Orpington.

Consultations

Nearby owners/occupiers were notified of the application and representations were received which can be summarised as follows:

- Do not need another beauty salon
- New parking restrictions have already caused a loss of clientele
- If another shop opens there will be an effect on two businesses in the parade
- Loss of business for other similar businesses in the area

Environmental Health - No objection, subject to an informative regarding a massage and special treatments licence.

Highways - No objection

Planning Considerations

The application falls to be determined in accordance with the following policies of the Unitary Development Plan (2006)

S5 Local Neighbourhood Centres, Parades and Individual Shops
S10 Non-Retail uses in shopping areas
T3 Parking
T18 Road Safety

The National Planning Policy Framework (2012) is also a consideration.

Planning History

Under planning reference 92/01954 permission was granted for a single storey rear extension

Under planning reference 01/02341 permission was granted for a shopfront

Conclusions

The main issues relating to the application are the effect that it has on the shopping function of the Primary Frontage, the impact that it has on the amenities of the occupants of surrounding residential properties, with particular regard to the policies set out above.

The proposal seeks to change the use of the retail unit which was previously used as a show shop (A1) to a nail bar (sui-generis). Crescent Way consists mostly of smaller retail units, with one large unit which is occupied by Co-op. The proposed nail bar would be open Mon/Tues/Weds/Fri/Sat 9.30am - 6.30pm, Thurs 9.30am - 7.30pm. It is stated that the proposed use would employ 2 people.

Policy S5 of the Unitary Development Plan states that the Council will only permit changes if the use contributes to the range of local services and it can be demonstrated that there has been a long term vacancy and a lack of demand for Class A1 use. The shop has been vacant for approximately 12 months, and there is another vacant A1 shop in the same parade (previously occupied by a shopping selling fishing accessories.) It is therefore considered that the change of use from A1 in this local parade would be acceptable.

Directly opposite the site is a beauty salon, and next door is a hairdresser; however when considering the wider context of the area it is not considered that this would create a concentration of similar uses. Although there are some non-retail uses within the area, a significant proportion of units in this area are still in retail use.

By virtue of the nature of the proposed use, it is considered that residential amenity would not be affected to a materially different extent than the existing A1 use.

Summary

Having regard to the relevant provisions of Policies S5, S10, T3 and T18 of the Unitary Development Plan and other material considerations; it is considered that the proposed development would not materially harm the character or appearance of the area, nor would it result in a concentration of similar uses. As such, it is

recommended that planning permission should be granted with the conditions set out in this report.

Background papers referred to during production of this report comprise all correspondence on the file ref: 16/03824/FULL6 set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.**

Reason: Section 91, Town and Country Planning Act 1990.

- 2 The premises shall be used for a nail bar and for no other purpose (including any other purpose in sui-generis use of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).**

Reason: In order to comply with Policy S5 and S10 of the Unitary Development Plan and in the interest of the amenities of the area.

- 3 The use shall only operate between the hours of 9:30am to 6:30pm Monday, Tuesday, Wednesday, Friday and Saturday and 9:30am to 7:30pm on a Thursday**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interests of the amenities of the area.

- 4 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

You are further informed that :

- 1 Before the use commences, the applicant is advised to contact the Licensing Team of Public Protection regarding compliance with the Massage and Special Treatments Licence issued under the London Local Authorities Act 1991.**

The contact telephone number is 0208 313 4218