

SECTION '2' – Applications meriting special consideration

Application No : 17/01782/FULL6

Ward:
Chislehurst

Address : 66 Greenway Chislehurst BR7 6JF

OS Grid Ref: E: 543631 N: 171476

Applicant : Ms C Jobling

Objections : YES

Description of Development:

Detached outbuilding at rear for use as a fitness studio for pilates and sport massage (Part-retrospective)

Key designations

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 16

Proposal

The host property is a semi-detached two storey dwellinghouse located on the south-eastern side of Greenway, at the junction with Farmland Walk.

This part-retrospective planning application seeks permission for an outbuilding located within the rear garden which is to be used as a fitness studio. The outbuilding has already been constructed. It is 5m wide, 3m deep and has maximum height of 2.5m.

The outbuilding is to be used for "Pilates and sports massage" classes/ appointments. The maximum participants will be limited to one to two people per session

A revised Block Plan was received 04/07/2017 which included distances from the outbuilding to the boundaries

Consultations

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

- o No distances to boundaries to enable the precise location to be identified and controlled.

Planning Considerations

The application falls to be determined in accordance with the following policies of the Unitary Development Plan and the London Plan:

BE1 Design of New Development
EMP8 Using dwellings for business purposes

The Council is preparing a Local Plan and commenced a period of consultation on its proposed submission draft of the Local Plan on November 14th 2016 which closed on December 31st 2016 (under The Town and Country Planning (Local Planning) (England) Regulations 2012 as amended). It is anticipated that submission of the draft Local Plan to the Secretary of State will occur in the mid part of 2017. These documents are a material

consideration. The weight attached to the draft policies increases as the Local Plan process advances.

Draft Policy 37 General Design of Development
Draft Policy 87 Home Working

Planning history:

The site has been subject to previous planning applications:

- o 08/00589/FULL6 - Roof alterations to provide half hip with rear dormer and Juliet balcony - Permitted 14.04.2008
- o 08/01974/FULL6 - Single storey side and rear extension - Permitted 16.07.2008

Conclusions

The main issues relating to the application are the effect that it would have on the character of the area and the impact that it would have on the amenities of the occupants of surrounding residential properties.

The outbuilding is 5m wide and 3m deep, with a maximum height of 2.5m. The location of the outbuilding is situated close to the rear boundary. The revised block plan (received 04/07/2017) indicates that the outbuilding provides 2.6m from the north-eastern flank boundary with No.68 and 1.48m to the south-western flank boundary. The site is a corner plot however benefits from established vegetation on the flank and rear boundaries thereby providing sufficient screening. It is therefore considered that the outbuilding will not impact on the amenities of neighbouring properties, nor impact significantly on the character or appearance of the surrounding area.

The application proposes to use the outbuilding for the use as a fitness studio. Within the Applicant's planning statement it notes that, given the floor space of 15sqm, the number of clients is limited to 1-2 people per session. The proposed opening hours are 09.00 - 21.00 Monday to Friday and 09.00 - 18.00 Saturday to Sunday and bank holidays, to allow for flexibility with appointment times however the use of the outbuilding will not be continuous through this period. No signage would be erected on the site and one parking space within the front amenity space will be given over for customer parking.

Policy EMP8 states that in cases where planning permission is required, the Council will normally permit the use, by the householder, of part of a dwelling for a business purpose only where:

- (i) The business use is secondary to the primary residential use of the property;
- (ii) The business use does not generate an unacceptable level of additional vehicular or pedestrian traffic so as to be detrimental to residential amenity; and
- (iii) The residential character of the area is not unduly affected by noise or other convenience

It is considered that the use of the outbuilding as a part time fitness studio would remain ancillary to the main domestic use of the property. Due to the modest size of the outbuilding and the nature of the use it is also not considered that the residential character of the area would be unduly impacted by noise or other convenience. It is also noted that no objections were received from neighbouring properties with regards to the proposed use.

Due to the small scale nature of the business and the ability to park one additional vehicle within the frontage of the property, it is not considered to result in a significant impact on parking in the area.

Whilst the opening hours of the business are required to allow for a degree of flexibility, in the interest of residential amenity it is considered that a shorter opening hours for the business would be required to mitigate the impact of transient movements on residential amenity from the front to the rear of the property.

Overall, it is considered that the proposed use of the outbuilding as a fitness studio is considered compliant with policies EMP8 and BE1.

Having had regard to the above it was considered that the development in the manner proposed is acceptable in that it would not result in a significantly detrimental impact on the character of the area nor neighbouring amenity.

as amended by documents received on 04.07.2017

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 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.

- 3 The use shall not operate on any Sunday or Bank Holiday, Christmas Day or Good Friday nor before 9am; or after 6pm; on any other day.**

Reason: In the interests of residential amenity and in compliance with policy BE1 and EMP8 of the Unitary Development Plan

- 4 The outbuilding shall be used for a part time fitness studio (Use Class Sui Generis) and for no other purpose (including any other purpose 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). There shall be no change of use permitted by the Town and Country Planning (General Permitted Development) Order or any subsequent variation thereof.**

Reason: In the interests of residential amenity and in compliance with policy BE1 and EMP8 of the Unitary Development Plan

- 5 No more than two clients shall be accommodated at any one time.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the amenities of nearby properties.

6 The use hereby permitted shall be carried out only by Ms C Jobling.

Reason: To enable the Council to reconsider the situation in the event of a change of user in the interest of the amenities of the area.