

Application reference: 19/3522/GPD10
WHITTON WARD

Date application received	Date made valid	Target report date	8 Week date
19.11.2019	19.11.2019	14.01.2020	14.01.2020

Site:

87 High Street, Whitton, Twickenham, TW2 7LD

Proposal:

Change of use from A1 (shop) to D2 (Leisure) use

Status: Pending Consideration (If status = HOLD please check that all is OK before you proceed any further with this application)

APPLICANT NAME

Mr George Youssef
17 Harold Gardens
Alton
Hampshire
GU34 2UN

AGENT NAME

DC Site Notice: printed on and posted on and due to expire on

Consultations:

Internal/External:

Consultee

14D POL
LBRUT Transport
LBRUT Environmental Health

Expiry Date

09.12.2019
09.12.2019
09.12.2019

Neighbours:

90B High Street, Whitton, Twickenham, TW2 7LN - 25.11.2019
88 - 90 High Street, Whitton, Twickenham, TW2 7LN, - 25.11.2019
88B High Street, Whitton, Twickenham, TW2 7LN - 25.11.2019
86 High Street, Whitton, Twickenham, TW2 7LN, - 25.11.2019
94 High Street, Whitton, Twickenham, TW2 7LN, - 25.11.2019
96 High Street, Whitton, Twickenham, TW2 7LN, - 25.11.2019
92 High Street, Whitton, Twickenham, TW2 7LN, - 25.11.2019
96A High Street, Whitton, Twickenham, TW2 7LN, - 25.11.2019
94A High Street, Whitton, Twickenham, TW2 7LN, - 25.11.2019
92A High Street, Whitton, Twickenham, TW2 7LN, - 25.11.2019
90A High Street, Whitton, Twickenham, TW2 7LN, - 25.11.2019
88A High Street, Whitton, Twickenham, TW2 7LN, - 25.11.2019
21 Cypress Avenue, Twickenham, TW2 7JY, - 25.11.2019
19 Cypress Avenue, Twickenham, TW2 7JY, - 25.11.2019
17 Cypress Avenue, Twickenham, TW2 7JY, - 25.11.2019
89 High Street, Whitton, Twickenham, TW2 7LD, - 25.11.2019
87B High Street, Whitton, Twickenham, TW2 7LD, - 25.11.2019
87A High Street, Whitton, Twickenham, TW2 7LD - 25.11.2019
85B High Street, Whitton, Twickenham, TW2 7LD, - 25.11.2019
85 High Street, Whitton, Twickenham, TW2 7LD, - 25.11.2019
89A High Street, Whitton, Twickenham, TW2 7LD, - 25.11.2019
85A High Street, Whitton, Twickenham, TW2 7LD, - 25.11.2019

History: Development Management, Appeals, Building Control, Enforcements:

Development Management

Status: GTD

Date:25/03/1964

Application:64/0131

Installation of new shopfront.

Development Management

Status: GTD

Date:05/02/1971

Application:70/2519/ADV

For Advertisements.

Development Management

Status: PCO

Date:

Application:19/3522/GPD10

Change of use from A1 (shop) to D2 (Leisure) use

Building Control

Deposit Date: 28.08.2013

Reference: 13/1750/IN

Convert existing duplex and roof space into 1 bed flat 1st floor (flat 1) and
studio on 2nd floor (flat2)

Enforcement

Opened Date: 12.05.2016

Reference: 16/0332/EN/UBW

Enforcement Enquiry

Recommendation:

The determination of this application falls within the scope of Officer delegated powers - YES / NO

I therefore recommend the following:

- 1. REFUSAL
- 2. PERMISSION
- 3. FORWARD TO COMMITTEE

This application is CIL liable

YES* NO
(*If yes, complete CIL tab in Uniform)

This application requires a Legal Agreement

YES* NO
(*If yes, complete Development Condition Monitoring in Uniform)

This application has representations online (which are not on the file)

YES NO

This application has representations on file

YES NO

Case Officer (Initials): ALH.....

Dated: 10/01/20.....

I agree the recommendation:

Team Leader/Head of Development Management/Principal Planner

Dated: 14/01/20

This application has been subject to representations that are contrary to the officer recommendation. The Head of Development Management has considered those representations and concluded that the application can be determined without reference to the Planning Committee in conjunction with existing delegated authority.

Head of Development Management:

Dated:

REASONS:
CONDITIONS:
INFORMATIVES:
UDP POLICIES:
OTHER POLICIES:

The following table will populate as a quick check by running the template once items have been entered into Uniform

SUMMARY OF CONDITIONS AND INFORMATIVES

CONDITIONS

INFORMATIVES

Application Reference: 19/3522/GPD10

Site Address: 87 High Street Whitton Twickenham TW2 7LD

Site and Surrounding

The application site is located on the eastern side of High Street, Whitton. The unit is situated within a terraced shopping parade in Whitton High Street, the surrounding area is mainly occupied by shops and restaurants. The site is subject to two Article 4 Directions, Basements and A1 to A2. The site is in a Critical Drainage Area. The site is in the Whitton Main Centre Boundary and is a Key Shop Frontage (37-103 High Street Whitton). The site is in the High Street Whitton Village Character Area.

Proposal

Change of use from A1 (shop) to D2 (Leisure) use.

History

16/3387/FUL - Erection of a wooden shed to be used for storage in conjunction with the ground floor commercial units at No's 85 and 87 High Street. - granted permission

12/2591/DD01 - Details pursuant to conditions U55907 U57246 (Miscellaneous Details - Shopfront only), U57232 (Cycle parking) and U57233 (Refuse Arrangements) of planning permission 12/2591/FUL dated 30/01/2013. – granted permission

12/2591/FUL - Demolition of existing rear extension and garage to No.85 and demolition of existing single storey extension to rear of No.87. Alterations to ground floor to form a single retail unit with new rear extension and shopfront. Conversion of first and second floors at No.87 to provide 1No.1 bedroom flat and 1No. studio flat both self-contained with new rear doors accessed via new external stair case and enlarged rear dormer window, new rooflights in front elevation. - granted permission

It is noted that despite the outcome of application ref. 12/2591/FUL, the units at Nos.85&87 were not joined into a single unit.

Policies

The proposal has been considered having regard to the policies within the Council's Local Plan, in particular:

Local Plan (2018):

- LP8 Amenity and Living Conditions
- LP25 Development in Centres
- LP26 Retail Frontages
- LP44 Sustainable Travel Choices
- LP45 Parking Standards and Servicing

Supplementary Planning Documents / Guidance:

- Development Control for Noise Generating and Noise Sensitive Development
- Village Plans, High Street Whitton

Representations

14 representations were received, 12 of these were in support of the application stating a D2 Leisure space would be an asset to the area and would have various positive impacts locally.

Two objections were received. The key issues raised are as follows:

- Loss of A1 retail unit;
- inappropriate opening hours;
- There is no evidence of marketing of the site for an A1 use;
- amenity impacts of noise disturbance; and
- an unacceptable increase the parking and highway pressure.

The neighbours at No.86 High Street Whitton did not receive notice of this application as the public notification letter was returned to the sender.

Amendments

There have been no amendments to the proposal.

Professional Comments

Town and Country Planning, England The Town and Country Planning (General Permitted Development) (England) Order 2015

Part 3, Changes of use, Class J - Permitted Development - retail or betting office or pay day loan shop to assembly and leisure

J. Development consisting of a change of use of a building from a use—

(a) falling within Class A1 (shops) or Class A2 (financial and professional services) of the Schedule to the Use Classes Order, or

(b) as a betting office or pay day loan shop, to a use falling within Class D2 (assembly and leisure) of that Schedule.

Development is not permitted by Class J if—

(a) the building was not used solely for a use falling within Class J(a) or (b)—

(i) on 5th December 2013, or

(ii) in the case of a building which was in use before that date but was not in use on that date, on the date it was last in use, or

(iii) in the case of a building which is brought into use after 5th December 2013, for a period of at least 5 years before the date development under Class J begins;

Complies – Google maps show the unit was in use as a retail shop (polish delicatessen) in March 2018.

(b)the cumulative floor space of the existing building changing use under Class J exceeds 200 square metres;

Complies – The area does not exceed 200 m²

(c)the development (together with any previous development under Class J) would result in more than 200 square metres of floor space in the building having changed use under Class J;

Complies – The area would not exceed 200m²

(d)the building is on article 2(3) land;

Complies – The building is not situated on article 2(3) land

(e)the land or the site on which the building is located is or forms part of—

(i)a site of special scientific interest;

(ii)a safety hazard area; or

(iii)a military explosives storage area;

Complies – No part of the site is in use as a site of special scientific interest, a safety hazard area or a military explosives storage area.

(f)the land or building is, or contains, a scheduled monument; or

Complies – No part of the site is, or contains a scheduled monument

(g)the land or building is a listed building or is within the curtilage of a listed building.

Complies – No part of the site is a listed building, contains a listed building or is within the curtilage of a listed building.

Conditions

J.2—(1) Class J is permitted subject the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

(a) noise impacts of the development,

The applicant has stated that classes are low on noise with no music played, and each class would have 15 to 18 students. The applicant has not provided any information regarding the sound insulation and how any noise from the site would be

managed. It is noted that there is an existing residential use above the unit and there is potential for loss of amenity to the unit above. It i

It is considered that in regard to the noise impacts of the development, insufficient information has been supplied. As such the Council is unable to assess the proposal against Policies LP8 and LP10 in the Local Plan and Supplementary Planning Document 'Development Control for Noise Generating and Noise Sensitive Development'.

(b) impacts of the hours of opening of the development,

The proposed opening hours are;

*Monday to Friday 7 am to 9 pm;
Saturday 7 am to 3 pm; and
Sunday 10 am to 6 pm.*

It is considered that opening at 7am and closing at 9pm during the week is likely to have an adverse impact on neighbour amenity to the detriment of surrounding properties. Despite the applicant stating noise will be kept to a minimum it is likely that movements and the vibration from classes taking place as early as 7am and up to 9pm will be of disturbance. It is not considered that the proposed opening hours would raise any further issues, along Whitton High Street there are a number of other businesses operating similar opening hours, notably the nearby Tesco Express, which trades from 7am to 11pm.

In the absence of any information on the details of mitigation measures likely to be required, the proposal is not considered to have satisfactorily addressed the impact of the proposed hours of opening as such the proposal is considered to adversely impact on the residential amenity of nearby occupants contrary to policies LP8.

(c) transport and highways impacts of the development, and

The Councils Transport department were consulted and have the following comments to make;

The application is for a change of use from A1 (shop) to D2 (Leisure) use. In this instance from a delicatessen to a martial arts school. Whilst there is no objection to the principle of the change of use in terms of transport and highways, the applicant is advised to provide a staff travel plan for the school. This should seek to reduce the impact of private car use as far as possible. A suitable condition is required to secure this

The proposed change of use from A1 to D2 would not necessarily result in an intensification of use of the site, however it is likely there would be an increase in customers visiting in private cars over the previous use.

The applicant has stated there would be a limited demand for parking and the majority of students would attend classes on foot. It is noted that there are good public transport links in the area, with the Whitton Railway station less than 150m from the site and a number of bus routes available on the High Street. The site is in close proximity to the Nelson Road Car Park, which serves the Whitton High Street.

The information provided in support of the application states that staff parking and cycle parking would be provided to the rear of the unit.

It is noted that an objection to the application stated the proposal would result in an unacceptable increase in parking in the area and pressures on the highway, however as stated above, there is adequate parking provision nearby and good transport links to the unit. The proposed change of use is not considered to have an adverse transport and highways impact. As such the proposal is considered to comply with Policies LP44 and LP45 of the Local Plan.

(d) whether it is undesirable for the building to change to a use falling within Class D2 (assembly and leisure) of the Schedule to the Use Classes Order because of the impact of the change of use—

- (i) on adequate provision of services of the sort that may be provided by a building falling within Class A1 (shops) or, as the case may be, Class A2 (financial and professional services) of that Schedule, but only where there is a reasonable prospect of the building being used to provide such services, or

The former use of the unit was as a Polish Delicatessen, the site was still in use as a Delicatessen as recently as March 2019. The A1 use of the site is a use the Council seeks to protect. As such the change of use from an A1 general retail unit to a D2 leisure use is considered unacceptable.

- (ii) where the building is located in a key shopping area, on the sustainability of that shopping area, and the provisions of paragraph W (prior approval) of this Part apply in relation to that application..

The unit is located within a designated Key Shopping Frontage. The Council actively seeks to resist the loss of A1 floorspace, within Key Shopping Frontages. The proposed change of use from A1 to D2 would result in the complete loss of retail floorspace.

The documents submitted in support of the application do not provide any details regarding the vacancy any potential marketing of the site, the proposal fails when considering the impact of the loss of the A1 unit. A desktop analysis shows that the Polish Delicatessen was in use in March 2018, without any further details regarding the amount of time the site has been vacant and without marketing evidence, the proposal is not acceptable when considering the impact on the shopping area and is contrary to Policies LP25 and LP26 of the Local Plan.

(2) Subject to sub-paragraph (3), development under Class J must begin within a period of 3 years starting with the prior approval date.

(3) Where, in relation to a particular development under Class J, planning permission is granted on an application in respect of associated operational development before the end of the period referred to in sub-paragraph (2), then development under Class J must begin within the period of 3 years starting with the date that planning permission is granted.

(4) For the purposes of sub-paragraph (3), "associated operational development" means building or other operations in relation to the same building or land which are reasonably necessary to use the building or land for the use proposed under Class J.

Conclusion

Under Class J.2 (1) (a), (b), (c) and (d) of Class J Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), prior approval is required and refused. The proposed development by reason of absence of details on noise impacts and the loss of the A1 unit within a designated Key Shopping Frontage would adversely impact residential amenity of nearby occupants and would result in the loss of a use the Council seeks to protect. As such, the proposal is contrary to the aims and objectives of, in particular, policies, LP8, LP25, LP26, LP44 and LP45 of the Local Plan and Supplementary Planning Document 'Development Control for Noise Generating and Noise Sensitive Development'.

Recommendation REFUSE