

PLANNING COMMITTEE - Date:13 December 2017

**Report of the Assistant Director of Environment, Housing and Regeneration
Directorate**

Ref: C2017/77955/FUL	WARD: C13 / CARSHALTON CENT	Time Taken: 12 weeks, 0 days
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Site: 80 Westmead Road, Sutton, SM1 4JF
 Proposal: Change of use from Retail (Classs A2) to Tattoo Parlour (Sui Generis).
 Applicant: Terry Giles
 Agent:

Recommendation:

GRANT PLANNING PERMISSION

Reason for Report to Committee: The application has been de-delegated by Councillor Jill Whitehead.

Summary of why application proposals are acceptable:

- The change of use to a Tattoo Parlour is a suitable and appropriate use to the sites location within Westmead Road local centre and is acceptable in land use terms.
- The proposed change of use would not result in any adverse harm to residential amenity.
- The proposed change of use would not result in any undue pressure of local parking conditions.

1.0 BACKGROUND

1.1 Site and surroundings:

1.2 This site comprises number 80 Westmead Road which is the vacant ground floor commercial unit of a semi-detached property with residential above (a flat) situated on the south side of Westmead Road. The shop is currently vacant.

1.3 The application site is situated in the middle of the 'Westmead Road Local Centre' so the character of the area is mixed commercial and residential. Number 81 is the adjoining semi to the west and is also a vacant commercial unit and has a return frontage along Sutton Grove (which is a residential street). To the east of the site at numbers 76 and 78 there is a hairdresser and shop fitters respectively.

1.4 Site Specific Designation

1.5 The site falls within the Westmead Road Local Centre and within an Archaeological Priority Area.

1.6 Relevant Planning History

- 9/18758 - Erection of a single storey rear extension and self-containment of flat. Granted 03 July 2000. This related to the upper floor flat

2.0 APPLICATION PROPOSALS**2.1 Details of Proposal:**

2.2 The application proposal is for the change of use from Class A1/A2 to Tattoo Parlour (Sui Generis). There are no proposed internal or external alterations.

2.3 In support of the application the applicant has stated that planned opening hour are: Tuesday to Saturday, 11am to 6pm, closed Sunday /Monday and bank holidays. Appointments are by prior booking only.

2.4 Significant amendments to application since submitted:

2.5 None.

3.0 PUBLICITY**3.1 Adjoining Occupiers Notified**

3.2 Letters were sent to adjoining and nearby properties on the 06th October 2017. A site notice was posted in the vicinity of the site on the 11th October 2017.

3.3 Number of Letters Received:

3.4 Six letters have been received, as of the 28th November 2017. These include four letters of objection and two letters of support. Any material representations received after this date will be included as an addendum.

3.5 Summary of Material Representations:**3.6 Objection comments:**

- Existing parking congestion in the street and neighbouring streets. The proposal would make this situation worse.
- Tattoo parlour is not an appropriate business for a residential area and is out of keeping with surrounding residential premises and shops.

3.7 Supporting comments:

- Need new businesses to fill the shops.
- This is an opportunity for the council to promote a café, small artisan culture in Westmead Road. A tattoo parlour may encourage further businesses.
- Parking is not a problem in the area.
- Public transport links are excellent.

- Many of the businesses that have rented this property have failed for various reasons. An upmarket tattoo parlour is one of the few businesses that may succeeded.
- Due to the location of the property in a shopping parade, it is not possible for the landlord to convert this property to residential.
- Tattoo parlour has entered mainstream life. Most young and many older people have tattoos these days so this type of business should not be regarded as inappropriate.
- If planning permission is not given, the property is likely to remain derelict and will promote a general feeling of neglect within the shopping parade.

3.8 **Summary of Non-Material Representations:**

3.9 None.

3.10 **Official Consultation:**

3.11 Senior Highways: Has raised no objections.

3.12 Pollution Control Team: Raise no objections.

3.13 **Councillor Representation:**

3.14 Councillor Jill Whitehead has written requesting that the application be de-delegated on the following grounds

- It is stated that the Council has previously opposed another planning application for a tattoo parlour in this row of shops which was rejected by planning.
- Complaints have been received from residents in Harold Rd opposite of businesses in Westmead Rd parking their vehicles in their Road and that this area cannot take any more parking.
- A tattoo parlour is not the type of business to be encouraged in this road which already suffers from an excess of fast food shops.

4.0 **MATERIAL PLANNING POLICIES**

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that when determining a planning application, regard is to be had to the development plan, and the determination shall be made in accordance with the development plan, unless material considerations indicate otherwise. The development plan for the London Borough of Sutton comprises the following documents:

- The Draft London Plan 2017
- The London Plan 2016
- The Core Planning Strategy 2009

- The Site Development Policies DPD 2012

4.2 Also a material consideration in determining planning applications are:

- National Planning Policy Framework
- National Planning Policy Guidance
- Adopted London Borough of Sutton Supplementary Planning Guidance documents.
- Draft Local Plan
- Human Rights Act 1998
- Equality Act 2010

4.3 **Public Sector Equality Duty (PSED) and Human Rights**

4.4 Under the Equalities Act 2010, the Council must have due regard to the need to eliminate discrimination, harassment or victimisation of persons by reason of age, disability, pregnancy, race, religion, sex and sexual orientation. This planning application has been processed and assessed with due regard to the PSED. The application proposals are not considered to conflict with the Duty.

4.5 The application has also been considered in the light of the Human Rights Act 1998 and it is considered that the analysis of the issues in this case, as set out in this report and recommendation below, is compatible with the Act.

4.6 **Material Planning Policies Considered in Determining this Application:**

4.7 **Core Planning Strategy:**

- BP9 Enabling Smarter Travel Choices an Area-Based Approach
- BP10 Transport Strategic and Borough Wide Proposals
- BP12 Good Urban Design and Heritage
- PMP8 Other District and Local Centres

4.8 **Site Development Policies:**

- DM1 Character and Design
- DM2 Protecting Amenity
- DM3 Enhancing the Street Scene & Public Realm
- DM22 Parking
- DM38 Promoting Local Shopping Provision in Local Centres.

4.9 **Supplementary Planning Documents**

- SPD14 Creating Locally Distinctive Places 'Urban Design'

4.10 **Draft Local Plan**

- 19 Local Centres and Isolated Shops
- 28 Character and Design
- 29 Protecting Amenity
- 37 Parking

5.0 **PLANNING CONSIDERATIONS**

5.1 The principal considerations (including whether any material planning objections have been reasonably addressed) in relation to this application are:

- **Principle**
- **Design Quality/Character**
- **Impact on Neighbours**
- **Parking and Impact on the Highway**

5.2 **Principle:**

5.3 The Core policy PMP8 states that the Council will promote the development of local centres. Policy DM38 of the Site Development Policies DPD states that the Council will allow a change of use from non-basic shops to non-retail providing that (i) convenient local shopping facilities are maintained; (ii) proposals will not lead to an over concentration of single uses; (iii) proposals are convenient with the scale and function of the centre; and (iv) it maintains an interesting street frontage through maintaining a window display.

5.4 Policy 19 of the Draft Local plan supports the principles of the above policies and among others further states that the council will not grant planning permission for the loss of A1 shops within areas of more than 400 metres walking distance from alternative shopping facilities, unless it has been demonstrated and the shop has been marketed at an appropriate rent through a recognised agent for 12 months.

5.5 The application proposal is for the change of use of the ground floor from Class A1/A2 to a Tattoo Parlour (Sui Generis). The premises is currently vacant and boarded up, however records indicate that it has been used for a various retail uses and recently as an Estate Agents (Class A2) over a number of years with large periods of vacancy.

5.6 The case officers survey of nearby land uses indicate the following:

West side of Sutton Grove

- 86 – Class A1
- 85 – Class A5
- 84 – Class C3 (Residential)
- 83 – Class C3 (Residential)
- 82 – Class A3

East side of Sutton Grove

- 81 – Class A1 (Vacant)
- 80 – Class A1 (Vacant)
- 78 – Class A2
- 76 – Class A1

74 – Class A1.

- 5.7 It is clear from the above survey that there are existing available convenience retail shops within easy walking distance of the application site. The last known use of the site was as an Estates Agents and as such the proposal would not result in the loss of a basic shop. It is also considered that the change of use would not lead to an over concentration of single uses. On balance, the proposal is considered to be acceptable in land use terms and would also bring a vacant unit back into active use. The proposal is considered to be consistent with the scale and function of the centre. The retail function and viability of the Westmead Road Local Centre would be maintained.
- 5.8 **Design Quality/Character:**
- 5.9 Policy DM1 of the Site Development Policies DPD states that planning permission will only be granted for development that maintains and enhances the local character and appearance of the surrounding area. In addition, Policy DM3 requires all new development to contribute positively to the streetscene.
- 5.10 The proposal would not have an unacceptable impact on the character or appearance of the property or street scene, due to the fact that no external alterations are proposed.
- 5.11 **Impact on Neighbours:**
- 5.12 Policy DM2 of the Site Development Policies DPD states that the Council will not grant planning permission for any development that adversely affects the amenities of future occupiers or those currently occupying adjoining or nearby properties, or has an unacceptable impact on the surrounding area. Policy 29 of the Draft Local Plan is also relevant as it reflects the aims and objectives of policy DM2.
- 5.13 As the site is located within a Local Centre it is not considered that the change of use would have a detrimental impact on the occupiers of the flats above, given that the proposed use would be similar to activity associated with a retail use. The applicant has stated that the proposed use of the premises would be limited to the hours of 11am to 6pm, Tuesday to Saturday and closed Sunday /Monday and bank holidays. Appointments are by prior booking only.
- 5.14 Subject to the use of planning conditions regarding hours of use, officers consider that the use would not give rise to harmful levels of increased noise and disturbance. In considering the issue of environmental nuisance, Council's Pollution Control team have reviewed the proposals and do not raise objections.
- 5.15 **Parking and Impact on the Highway:**
- 5.16 Core Policy BP10 states that the Council will seek to reduce the need to travel, encourage the use of sustainable modes of transport and reduce the impact of traffic in residential areas. Policy DM22 of the Site Development Policies DPD states that new developments will be expected to provide the appropriate amount of car parking necessary in accordance with the Council's restraint based maximum parking standards, taking into account public transport accessibility levels, existing publically available parking provision and usage in the vicinity of the site and the need to deter unnecessary car use while avoiding over-spill car parking. These policy statements are reflected in the Draft Local Plan policy 37.

5.17 The Senior Highways Engineer has confirmed that the change of use is unlikely to attract a high number of attendees. As such, the proposal is unlikely to result in significant traffic or parking implications and no objection is raised to the proposal.

6.0 **CONCLUSION AND RECOMMENDATION**

6.1 The change of use to a Tattoo Parlour is a suitable and appropriate use to the sites location within Westmead Road local centre and is acceptable in land use terms.

6.2 The proposed change of use would not result in any adverse harm to residential amenity

6.3 The proposed change of use would not result in any undue pressure on local parking conditions.

Background Papers: C2017/77955/FUL

Drawings and other documents can be viewed on line –

- 1) Go to page: <http://gis.sutton.gov.uk/FASTWEB/welcome.asp>
- 2) Enter Planning Application Number: **C2017/77955**
- 3) Click on Search and View Current Applications
- 4) Click on View Plans & Documents



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C2017/77955/FUL

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WARNING: It is in your interests to ensure you obtain the approval of the Local Planning Authority, where the conditions require that to occur. Failure to comply with the following conditions may lead to enforcement action to secure compliance.

FIRST SCHEDULE

80 Westmead Road, Sutton, SM1 4JF

Change of use from Retail (Class A2) to Tattoo Parlour (Sui Generis).

SECOND SCHEDULE

- 1) The development must be begun not later than the expiration of three years beginning with the date hereof.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.

- 2) The use as a Tattoo Parlour hereby permitted shall operate only between the hours of 1100 to 1800 Tuesdays to Saturdays and shall not operate on Sundays, Mondays and bank holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of adjacent residential properties and to accord with terms of the application.

- 3) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Existing Floor Plan, Proposed Floor Plan.

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

- 4) Any changes to the external appearance of the buildings, not shown on the approved drawings, including installation of a new shopfront, air-conditioning units etc must first be submitted and approved in writing by the council prior to their installation.

Reason: To ensure a satisfactory external appearance and, to safeguard the amenities of neighbouring residential occupiers.

INFORMATIVES.

- 1) The submitted application complied with the relevant planning policies and Sutton Council has accordingly granted planning permission.
- 2) This approval only grants permission under section 57 of the Town and Country Planning Act 1990. Further approval or consent may be required by other legislation, in particular the Building Regulations and you should contact Building Control on 020 8770 6263 or 6325 before proceeding with the work.
- 3) Please note that any illuminated advertisement signs which may be required for the permitted use may require planning consent under a separate application.

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