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## Appeal Decision

Site visit made on 25 July 2019

**by R J Maile BSc FRICS**

**an Inspector appointed by the Secretary of State**

**Decision date: 19<sup>th</sup> August 2019**

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**Appeal Ref: APP/D5120/W/19/3225386**

**27 Pickford Lane, Bexleyheath, Kent, DA7 4RD.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Miss T Chawsalai against the decision of the Council of the London Borough of Bexley.
  - The application ref: 18/03111/FUL, dated 6 December 2018, was refused by notice dated 27 February 2019.
  - The development proposed was originally described as: "To alter the inner area with partitions for separate treatment rooms. The partitions will be wood framed and plasterboard."
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### Decision

1. The appeal is allowed and planning permission is granted for change of use from retail (Class A1) to Thai massage salon (Sui Generis) and internal alterations at 27 Pickford Lane, Bexleyheath, Kent, DA7 4RD, in accordance with the terms of the application ref: 18/03111/FUL, dated 6 December 2018, subject to the following conditions:
  - 1) The premises shall only be open for customers between the following hours:  
09:30 – 20:30 Mondays to Fridays;  
09:30 – 19:30 Saturdays;  
10:30 – 19:30 Sundays and Bank Holidays.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing no. WT161218; Location Plan; Site Plan.

### Procedural Matters

2. The description of development in the heading above has been taken from the planning application form. Part E of the appeal form states that the description of development has not changed. Nevertheless, a different wording has been entered, which is identical to that used by the Council. Given that the Council's description of development more accurately reflects the scheme before me, I have used it in my formal decision.
3. The Government has published an updated National Planning Policy Framework (February 2019). I shall proceed upon this basis.

## **Main Issue**

4. The main issue here is the effect of the proposed change of use upon the overall vitality and viability of the Avenue Road/Pickford Lane Neighbourhood Shopping Centre ('the NSC').

## **Reasons**

5. The property comprises a vacant ground floor lock-up commercial unit which is located on the west side of this local shopping centre. At the time of my site visit the internal works had been almost completed to a high standard, such that the only matter before me is the principle of the proposed change of use.
6. The NSC is formed by mostly inter-war shops and commercial uses at ground floor level, with flats over. The majority of the units are occupied, with only a handful being vacant or let to charitable organisations. The site is highly accessible, being 220m from Bexleyheath railway station. There is a 'bus stop outside the premises, which also benefits from two parking spaces in front of the unit.
7. Chapter 7 of the Framework<sup>1</sup> under the heading "Ensuring the vitality of town centres" states that planning decisions should take a positive approach to the growth of town centres by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses and reflects their distinctive characters.
8. "Saved" Policies SH05 and SH06 of the UDP<sup>2</sup> seek to resist changes of use of shops (Use Class A1) at ground floor level to other uses that would harm the character, viability and vitality of the centre. Any such changes of use will be expected to satisfy all of the criteria set out in "saved" Policy SH05, including that the proposed use will complement and contribute to the diversity of the services provided in the centre; that it is not located next to three or more average units in non-retail use and that the proposal itself, together with any adjacent existing or permitted non-retail uses, should not create a continuous length of frontage in non-retail uses exceeding three average widths.
9. There is conflicting evidence before me as to the proportion of non-retail uses within this centre. However, from the observations that I made on site and by reference to the schedule attached to the appellant's statement, I am satisfied that the non-retail frontages within the NSC do not exceed 45 per cent. The adjoining property to the north at no. 29 is occupied by a Costcutter, whilst nos. 15, 17, 21 and 23 are in retail use also. Although there is a betting office (Coral) at no. 25, any change of use of the subject property would not result in a run of three units in non-retail use.
10. I am satisfied from my site visit that the NSC is thriving. For these reasons, I have found upon the main issue that the proposed change of use would not be harmful to the overall vitality and viability of the Avenue Road/Pickford Lane NSC and that it would accord with the objectives of national and Development Plan policy as referred to above.

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<sup>1</sup> The National Planning Policy Framework (February 2019).

<sup>2</sup> London Borough of Bexley Unitary Development Plan (adopted 28 April 2004).

### **Conditions**

11. I have considered the conditions put forward by the Council against the tests of the Framework and advice provided by the Planning Practice Guidance.
12. The development has already commenced by virtue of the carrying out of the majority of the internal alterations. As such, suggested Condition 1 (standard 3 year commencement condition) is not required. However, given that these works are not yet complete, I agree that a condition requiring compliance with the approved plans is necessary in order to provide certainty. I also agree the need for an hours of operation condition, in the interests of the amenities of neighbouring occupiers.

### **Conclusion**

13. For the reasons given above, I conclude that the appeal should be allowed.

*R. J. Maile*

INSPECTOR