



Appeal Decision

Site visit made on 4 November 2019

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th November 2019

Appeal Ref: APP/E5330/W/19/3235108

31 Rennie Street, Greenwich, London SE10 0XT

- 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 Mrs My Linh Tong against the decision of Royal Borough of Greenwich Council.
 - The application Ref 18/4260/F, dated 17 December 2018, was refused by notice dated 12 February 2019.
 - The development proposed is described as 'Change of use permission to operate a beauty business from home. Part of living room or ground floor for manicure and pedicure treatments. One small bedroom on first floor for facial treatments and another small bedroom on first floor for body treatments. No refurbishment or major changes to be made to the house. Only require to put some spa beds, tables and chairs in the room'.
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Decision

1. The appeal is allowed and planning permission is granted for Change of use of ground and first floors from residential (Class C3) to a Beauty Parlour (Sui Generis) at 31 Rennie Street, Greenwich, London SE10 0XT in accordance with the terms of the application Ref: 18/4260/F, dated 17 December 2018, subject to the following conditions:
 - 1) The use hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The use hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Original Floor Plan & Proposed Floor Plan.
 - 3) Customers shall only be permitted on the premises between the following hours: 10:00-19:00 Monday to Saturday. No customers shall be permitted on the premises on Sundays or Bank Holidays.
 - 4) Prior to occupation of the development hereby permitted, a scheme detailing the arrangements for the storage and collection of commercial waste shall be submitted to and agreed in writing by the local planning authority. The use shall thereafter take place in accordance with this scheme.

Procedural Matter

2. The description of development in the heading has been taken from the original planning application form. However, I have amended the description of the development in my decision above to that on the Council decision notice, which has also been adopted by the appellant on their appeal form as this more succinctly and clearly describes the appeal proposal.

Main Issues

3. The main issues are:

- i. whether the proposal should be required to be located in a town centre;
- ii. whether the loss of residential floorspace would be acceptable;
- iii. the effect of the proposal on the living conditions of neighbours with particular regard to noise and disturbance; and
- iv. whether the proposal would incorporate adequate waste management arrangements.

Reasons

Location of appeal site

4. The appeal site is a large terraced house which sits within a modern residential development.
5. Policy TC1 of the Royal Greenwich Local Plan Core Strategy with Detailed Policies (RGLPCSDP) (2014) is a strategic policy which has a focus on major development which advocates a Town Centre first approach, stating that Town Centres are the preferred location for major retail, leisure, cultural, office and other uses that attract and serve the public. Policy 4.7 of the London Plan (LP) (2016) advocates a similar approach.
6. The supporting text of Policy TC1 states that in line with the National Planning Policy Framework (the Framework), sites for main town centre uses should be identified through the sequential approach. However, the use proposed is not one of those listed as a main town centre use under the glossary of terms within the Framework at Annex 2.
7. I also note that by reason of its use of the word 'preferred' Policy TC1 acknowledges that there may be occasions, where being located within a town centre may not be essential. The proposal relates to a new business start-up of limited scale which would solely employ the applicant on a part time basis to be fitted around other commitments while at home.
8. As a result of the above, I do not consider that a proposal of this nature should have to consider alternative sites under the sequential approach. Even if this were the case, the proposal by reason of its limited scale would be unlikely to significantly undermine the Town Centre first approach in relation to uses which attract and serve the public.
9. Therefore, I conclude on this issue, that the appeal proposal would not conflict with Policy TC1 RGLPCSDP or Policy 4.7 of the LP.

Loss of residential floorspace

10. Although the appellant and her family intend to continue to occupy the appeal property on a residential basis, the proposal would see some of the property given over to the business use on a part time basis with the ground floor living area being utilised along with two first floor bedrooms.
11. It is the intention of the appellant to clear away equipment and revert the rooms to residential use outside of business hours which would mean no loss of residential floorspace in relation to these rooms. However, the small bedroom on the first floor would be used for equipment storage suggesting more permanent use of this room which would indicate that there would be some very limited loss of residential floorspace which Policy H(a) of the RGLPCSDP seeks to prevent.
12. There would therefore be some limited conflict with Policy H(a) which seeks to protect residential floor-space. The appeal proposal would not conflict with Policy 3.4 of the LP which seeks to protect against the loss of housing as the property would continue to be occupied as a residential dwelling.

Living conditions

13. The appeal property is situated within the middle of a terrace in a modern residential development. It is accepted that some additional comings and goings at the property would arise. With a newly proposed business it will always be difficult to predict the exact demand, although I have no reason to doubt that 1 to 3 clients per day would seem a reasonable estimation and this would not represent an excessive level of additional coming and going over that which could be associated with a large residential dwelling. No customers would call early in the morning or late into the evening.
14. I have no reason to doubt that no heavy machinery would be required in relation to the business or that the equipment used would not result in noise transfer to the occupiers of neighbouring dwellings. This is particularly the case given the treatments proposed, including manicure, pedicure, facial and body massage and wax and laser hair removal which do not indicate any significant noise would arise.
15. Therefore, I conclude on this issue that the proposal would not have any significant adverse impact on the living conditions of neighbours with particular regard to noise and disturbance and would comply with Policy 7.15 of the LP and Policy E(a) of the RGLPCSDP which seek to ensure that noise is adequately managed and that any changes of use should not have a significant adverse effect on the living conditions of adjacent occupiers. I have not been provided with a copy of Policy EA(5) therefore I cannot consider it in relation to this issue.

Waste management

16. Both Policy 5.17 of the LP and Policy DH1 of the RGLPCSDP require that waste be managed sustainably. Rather than utilise the household waste collection service, the appellant has suggested that they would accept a condition requiring them to provide a waste management scheme. Given that waste is likely to be relatively limited, I am satisfied that the waste could be stored on the property, which benefits from external spaces to the front and rear, and well sized internal accommodation until collection. I therefore conclude on this

issue that the proposal would not conflict with Policy 5.17 of the LP or Policy DH1 of the RGLPCSDP.

Planning balance

17. I am mindful that there would be some very limited loss of residential floorspace to which I have afforded some weight. However, I note guidance within the Framework at paragraph 80 which requires significant weight to be placed on the need to support economic growth. Consequently, overall, in my view the limited conflict I have identified with the development plan does not outweigh the benefits of the scheme. The factors above provide the material considerations to grant planning permission other than in accordance with the development plan in this specific case.

Conditions

18. The standard time limit condition is added. An approved plans condition is added to restrict the use to the parts of the house proposed. A condition relating to a commercial waste management scheme is necessary in the interests of amenity and promoting sustainable waste management. I have added a condition restricting opening hours in the interests of the living conditions of neighbouring occupiers which would prevent comings and goings in the early morning and late evening. There is nothing in the evidence to indicate that any deliveries would be of a magnitude which would require management, therefore the suggested condition to this effect would not be necessary.

Conclusion

19. For the reasons set out above and taking all relevant matters into account, I conclude that the appeal should be allowed subject to the conditions.

T J Burnham

INSPECTOR