

CASE OFFICER REPORT DELEGATED

Subject: 897 Christchurch Road

Proposal: Alterations and change of use of ground floor retail unit (Use Class A1) and associated basement storage room to Beauty Salon (Use Class Sui Generis) including acupuncture and massage - Existing unauthorised

Application No. 7-2013-3366-D

Applicant: Rose Beauty and Body Shop

Agent: Rose Beauty and Body Shop

Application Valid 31 January 2013

Status: Public

Ward: BE

Director: Planning and Transport

Contact: Julie Allington, Planning Officer
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1.0 Previous Relevant Planning Applications and Appeals:

- 1.1 7-1982-3366-A - Conversion of shop & maisonette to 3 shops, 2 flatlets & 1 flat - granted.
- 1.2 7-2006-3366-B - Alterations, 2 storey extension and conversion of commercial units to form 3 dwellings and formation of bin store - granted but not implemented.
- 1.3 7-2011-3366-C - Alterations, 2 storey extension and conversion of commercial units to form 3 dwellings and formation of bin store - granted at appeal subject to conditions.

2.0 Summary of Proposal:

- 2.1 The current application seeks retrospective consent to regularise the unauthorised change of use of the front, ground floor unit from retail/hairdressers (Use Class A1) to a beauty salon providing massage, waxing and acupuncture treatments.

- 2.2 The proposal relates to the front retail unit and attached basement storage room accessed via internal stairs.

3.0 Relevant Policies:

- 3.1 The following Policies of the District Wide Local Plan are considered relevant:

Bournemouth Local Plan: Core Strategy

- Policy CS9 - Enhancing District Centres
- Policy CS41 - Quality Design

Bournemouth District Wide Local Plan

- Policy 5.20 - Secondary Shopping Areas

National Planning Policy Framework

4.0 Issues:

- 4.1 The issues to consider in my opinion are whether the proposal complies with the relevant policies and other material planning considerations including:

Impact on the character of the area:

- 4.2 The application relates to the front ground floor unit and associated basement room. The unit has historically been used as a shop and a hairdressing salon, both of which fall within Use Class A1 (retail). Recently the unit has changed use to a massage and beauty salon without the benefit of planning permission, and the current application has been submitted in an attempt to regularise this situation.
- 4.3 The site is the corner premises of a parade of shops and other commercial uses which form part of a longer parade of shops stretching from Boscombe centre to Pokesdown Station. The unit lies almost opposite the station at the junction of Christchurch Road and Morley Road.
- 4.4 The application plans show that partition walls have been put in to create a separate treatment room at ground floor, and the existing store room within the basement has also been converted to create an additional treatment room.
- 4.5 The application form states that the unauthorised use for which they are seeking consent is as a beauty salon offering treatments such as massage, reflexology, acupuncture, waxing and ear candling. The applicant has advised that the use would be operating between the hours of 9.30 hours to 20.30 hours daily.
- 4.6 At a site visit conducted by the case officer, Police and other agencies, it became evident that the basement room was being used in preference to the main treatment room at ground floor. The nature of the use was

also questioned and it would appear that the business has not been operating within the terms of the submitted planning application.

- 4.7 The existing use is considered to be out of character with the existing retail function of the local area contrary to Policies CS9 and CS41 of the Bournemouth Local Plan: Core Strategy.

Impact on vitality and viability of shopping area:

- 4.9 The application site lies within a designated secondary shopping area and as such any change of use application must be assessed against Policy 5.20 of the Bournemouth District Wide Local Plan. This policy sets out a list of criteria which applications for uses other than A1 retail are required to meet in order to be considered suitable for the area
4. There have also been a number of objections to the use relating to the impact it has had on neighbouring businesses in terms of attracting unwanted customers and requests for inappropriate services. This has led to concern about the impact that this could have on the shopping centre longer term.
- 4.8 The existing unauthorised use is considered to be of character and incompatible with existing authorised uses within the local area and have a harmful impact on and fails to improve or maintain the existing vitality and viability of the shopping centre. Therefore the use is considered to be contrary to the aims of Policy CS9 of the Bournemouth Local Plan: Core Strategy and Policy 5.20 of the Bournemouth District Wide Local Plan.

Impact on local residents:

- 4.9 The appeal site lies at the corner of Christchurch Road and Morley Road with its entrance at the corner. A number of letters of objection have been received from local residents which suggest that the use results in men waiting outside the premises both during the day and evening which has had an intimidating effect on local residents. A lady working at a neighbouring business has also been subject to inappropriate propositions.
- 4.10 It is considered that the unauthorised use of the premises results in a harmful relationship with existing authorised uses and a harmful impact on the amenities of local residents.

Traffic/Car Parking:

- 4.11 No highway objections have been raised.

Dorset Police Comments:

- 4.12 Dorset Police carried out an unannounced multi-agency visit with the Council's Case Officer, an Immigration Officer and Fire Safety Officer. The comments below have been received in relation to this:

'When we arrived at the premises the front door was locked. The owner, Rose (Ms Zhijie Johnson) was on the ground floor, within sight and came to the door. As she opened it she shouted several times towards the back of the premises. She allowed us in and Sgt Jackson went straight to the rear of the shop towards the basement door - which she found to have been locked from the outside by Rose - with a member of staff and a client in the basement! (There are no exit routes downstairs). The client was spoken to but refused to give any information and was very keen on leaving, as well as being worried that his Wife should not be told that he was there.

The member of staff using the basement was spoken to. She stated that she was a trainee and as such did not receive any payment for her work. Her spoken English was good and she did not disclose any concerns for her own welfare. She appeared to be genuinely surprised when she was told that she had been locked in the basement with a customer.

During our time there one gentleman was about to enter but promptly disappeared on seeing Police. Another came into the shop and was spoken to by PS Jackson. He was rather coy initially but admitted to living out of county, visiting his boat in Poole and coming to Boscombe with the purpose of visiting this shop. He has visited the shop once before at which time he was offered 'hand relief' and was expecting this type of service again.

Fire had their own safety concerns about the premises as there are no smoke detectors fitted. They will be making recommendations that mains connected detectors are fitted, as well as safety lighting and will follow this up in 4 weeks.

From Dave Wells - Olivia was also concerned at what was seen and heard and was particularly worried about why Rose had locked the front door and the basement door - especially with someone inside. She is relatively new to her role and was going to discuss it with Mr Wells on her return. She has indicated that, if the tenancy is ended, it is highly likely that the premises will remain empty.

Immigration had no concerns.

From the information gathered at this visit and the complaints being received from members of the public about this premises we believe that it is being used as a brothel. As such we would object to the planning application and will be looking to ask Dave Wells to consider ending the tenancy'.

5.0 Representations:

5.1 Thirteen letters of objection have been received from local residents, raising the following issues:

- Inappropriate use
- Being used as a brothel
- Late night use
- Sometimes queues of men outside
- Not suitable for family community area
- Tenant of local beauty salon business afraid as customers confuse the two premises and ask for sexual services
- If it is a legitimate business why is the door locked behind customers?

5.2 Three letters of support have been received, raising the following issues:

- Friendly and professional
- Good treatments
- Asset to local community

6.0 Conclusion:

- 6.1 Having regard to the pattern of existing development in the area and relevant provisions of the Development Plan it is considered that the development would not be in accordance with the Development Plan, including the NPPF, would materially harm the character or appearance of the area and would be unacceptable in terms of traffic safety and convenience. The Development Plan Policies considered in reaching this decision are set out above at Section 3.0.

7.0 Recommendation: Refusal.

Short Reasons:

1. Out of character
2. Inappropriate use
3. Negative impact on the vitality and viability of the shopping area
4. Harmful impact on residential amenities of the local area
5. Crime and Disorder
6. Contrary to Policies CS9 and CS41 of the Bournemouth Local Plan: Core Strategy and Policy 5.20 of the Bournemouth District Wide Local Plan.

Full Reasons for refusal:

The unauthorised use of the premises as a massage and beauty salon is considered to be out of character with the existing retail character of the street and fail to make a positive contribution towards the vitality and viability of the shopping area.

The use is also considered to constitute a bad neighbour to other authorised uses and result in a harmful impact on the amenities of local residents and businesses.

Therefore the proposal is considered to be contrary to Policies Cs9 and CS41 of the Bournemouth Local Plan: Core Strategy and Policy 5.20 of the Bournemouth District Wide Local Plan.

Statement required by National Planning Policy Framework

In accordance with paragraphs 186 and 187 of the NPPF the council, as local planning authority, takes a positive and proactive approach to development proposals focused on solutions. The council works with applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this instance the applicant did not take the opportunity to enter into pre-application discussions and the proposal did not accord with the

development plan and that there were no material planning considerations to outweigh these problems.

Case Officer Report Completed

Officer: Julie Allington

Date: 18/03/13

Agreed by Team Leader

Team Leader: B. Carse

Date: 19-3-13

Comments: DEL.