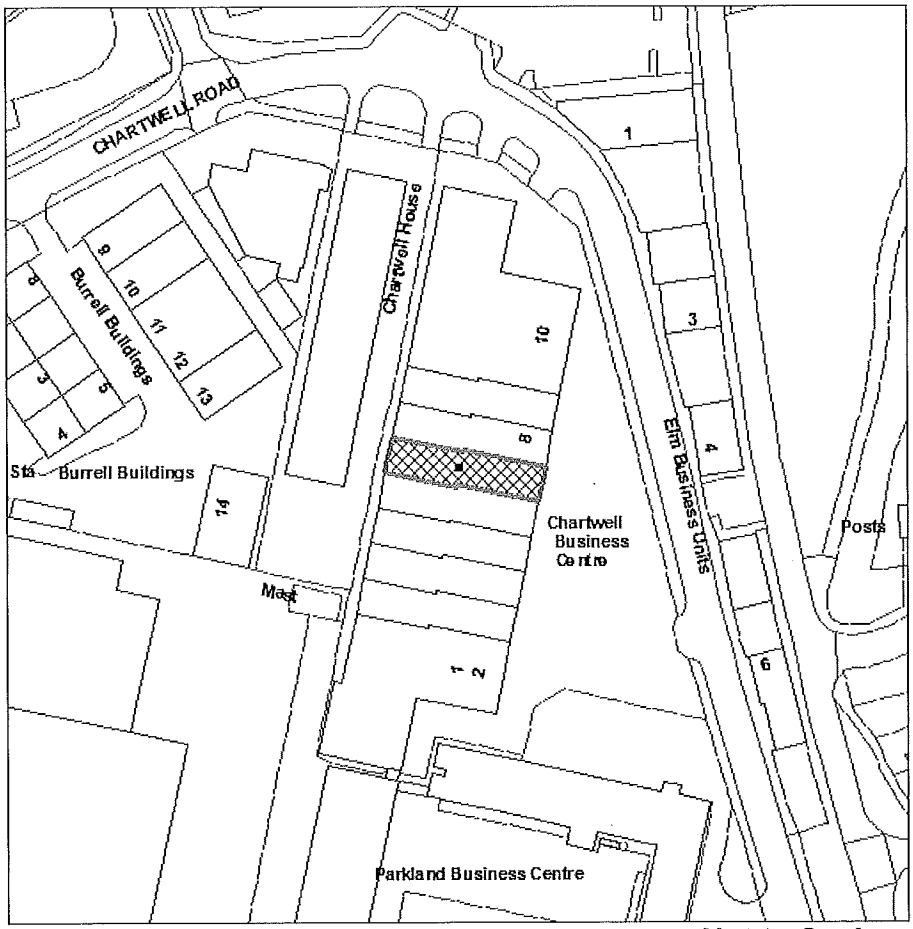
Application Number: AWDM/1754/17 **Recommendation – APPROVE**

Site: **Unit 7 Chartwell Business Centre, 42 Chartwell Road, Lancing Business Park, Lancing**

Proposal: **Continuation of change of use from Use Class B1/B8 (Business/Storage or Distribution) to gym Use Class D2 (Assembly and Leisure).**

Applicant: Mr Neil Donohue Ward: Churchill
Case Officer: Peter Barnett



Not to Scale

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Proposal, Site and Surroundings

The application seeks permission for a permanent change of use from business to leisure use (Class D2), specifically for use as a gym. Temporary permission for 3 years only was granted in 2014, by Members contrary to the Officer's recommendation, to enable the Local Planning Authority to review the circumstances as permission would not normally be granted for such development in this location and was only permitted exceptionally contrary to planning policies which seek to protect employment uses.

The applicants consider that the gym is now an established and integral part of the Lancing Business Park which contributes positively and enhances the other employment space.

There are 10 units in the Chartwell Business Centre, 4 of which are now in gym/leisure use.

The application is a Departure from the Adur Local Plan and has been advertised as such.

Relevant Planning History

AWDM/1028/14 – Change of use from Use Class B1/B8 (Business/Storage or Distribution) to gym (Use Class D2 Assembly and Leisure) – 3 year temporary permission granted until 24 November 2017.

AWDM/1644/14 – Unit 9 - Change of use from Class B2 Industrial to gymnastics facilities (D2) – this was an expansion of an existing gym (Wickers Gym) who also occupy Unit 10. Permission was granted by Members contrary to the Officer's recommendation.

AWDM/0157/15 – Unit 6 - Change of use from Use Class B1/B8 (Business/Storage or Distribution) to Use Class D2 (Assembly and Leisure) - Permission was granted by Members contrary to the Officer's recommendation.

Consultations

West Sussex County Council: The **Highway** Officer has no objection. The last application approved this use based on a car parking demand survey using a combination of TRICS data and manual counts which revealed the business park could accept the proposed increase in parking associated with the use.

As the site has now been operating here since 2015 with no recorded issues, therefore WSCC do not raise any objection.

Adur & Worthing Councils: The **Environmental Health** Officer has no objection to continued use as they have received no complaints

The **Planning Policy** Officer advises that the proposal is contrary to Policy 25 of the Adur Local Plan. However, this needs to be balanced against other material considerations. It is understood from the supporting information that the gym is well established and employs 10 permanent staff and 6 – 8 sub contract trainers who use the gym as they cannot find facilities elsewhere. Therefore the gym provides an employment use and supports the local economy. It is also acknowledged that the gym provides apprenticeships and work experience opportunities for students at Northbrook College and other schools in the area offering vocational training. This is considered to be of a social benefit to the local community.

Lancing Business Park is experiencing a number of vacant units and therefore due regard must be had to paragraph 22 of the NPPF.

On this basis, whilst the proposal is contrary to the Adur Local Plan, it is considered, that this objection is outweighed by the economic and social benefits associated with the gym and therefore this is a significant material consideration in favour of the proposal in accordance with paragraph 14 of the NPPF. Given that there are vacant units at Lancing Business Park; weight is afforded to paragraph 22 of the NPPF.

Lancing Parish Council: To be reported

Representations

None received

Relevant Planning Policies and Guidance

Adur Local Plan (2017) Policy 25
Adur Employment Land Review (2014)
National Planning Policy Framework (March 2012)

Relevant Legislation

The Committee should consider the planning application in accordance with:
Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations; and
Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

Planning Assessment

Principle

The site is located within Lancing Business Park which is subject Policy 25 of the Adur Local Plan also protects Lancing Business Park for B1, B2 and B8 uses with no flexibility for other uses unless

"It can be satisfactorily demonstrated that the site or premises is/are genuinely redundant and that no effective demand exists or is likely to exist in the future to use the land or buildings of B class uses. This should include the length of time the property has remained vacant, the attempts made to sell/let it, and the demand for the size and type of employment premises in the area."

One of the key objectives of the NPPF is to secure and support economic growth. It states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose and land allocations should be regularly reviewed. The Adur Employment Land Review (2014) found that existing employment areas in Adur are reasonably well occupied and any loss of employment land to other uses is likely to have a detrimental impact on the economy in the longer term. There is a limited amount of employment floorspace in Adur and the retention of existing business units for B1, B2 and B8 purposes is considered to be essential to sustaining economic growth.

Despite the strong policy protection for such sites, a material consideration in this case is the fact that the non- business use is existing and was supported by Members of the Planning Committee. Since permission was granted, two further permissions for similar uses have been granted in adjoining premises. The gym appears to be a successful venture which provides some employment (10 permanent staff and 6-8 sub-contract trainers) and has run private classes for other employers and employees on the Business Park as well as schools in the Worthing and Adur area.

It is noted that there are currently two empty units within the Business Centre (Units 4 and 5). The Chartwell Business Centre was formed in 2007 by subdividing a larger building into smaller units. The site represents a small proportion of the overall business floor space at Lancing Business Park and the applicants argue that it is better to have a let unit than an empty one.

While the use is contrary to policy 25 in the Local Plan, it is considered that sufficient grounds for supporting the use have been put forward by the applicant. The Council considered that such a use was acceptable in 2014 and since then the business has become established. It is clearly not desirable to require an existing business to cease trading and, in light of other permanent permissions nearby for similar uses, it is considered, on balance, that permission can be granted here. A permanent permission for the gym use does not preclude the unit being put back to a B-class use in the future and it is recommended that the permission is restricted to a gym use within Class D2 only.

Accessibility and parking

The applicants previously submitted a car parking demand survey using a combination of TRICS data and manual counts which revealed the business park could accept the proposed increase in parking associated with the use. Since 2014 the use has operated without complaint and there are no highway objections to its continued use.

Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans
2. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), the premises shall be used only as a gymnasium within Use Class D2 as defined in the Town and Country Planning (Use Classes) Order 1987 or in any equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without modification. On cessation of the use hereby permitted, the premises shall be restored to their former use (Class B1/B2/B8).

22nd January 2018