Development Management – Delegated Officer Report

Application Number: AWDM/0524/24 Recommendation: TEMP APPROVE

Site: Unit 14, Winston Business Centre, 43 Chartwell Road, Lancing Business Park, Lancing

Proposal: Retrospective application for Change of Use to Mixed Use including Dog Day Care on part of ground floor and Class E (g)/B2 at first floor. To include proposed acoustic improvements to the existing building, glazing to back of roller shutter and sound proofing within the walls and mezzanine.

Date of Site Visit: 30th July 2024

Neighbours Checked: Y

Additional neighbour notification: N

Proposal, Site and Surroundings

The application site is a two storey business unit within a development of industrial/office units which are within Lancing Business Park accessed from Chartwell Road. There is parking provision and turning space for the units accommodated within the development. There is a ground floor and mezzanine/first floor at the unit with a roller shutter and pedestrian access at ground floor.

The units were constructed in 1989 with consent for use under Classes B1 and B2. There are many businesses currently functioning within the vicinity of the site. These include, storage and distribution, offices, flooring company, sales, showroom, IT support company all functioning in close proximity. Since this time there have been changes to the Use Classes Order with the introduction of Class E which has replaced B1 with E(g)" any industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit." These uses all function within this use class.

The unit is currently being used for dog day care and has been for approximately 2 years after relocating due to the loss of their former site. Retrospective consent is sought for this use at ground floor with the E (g)/B2 business use class retained at first floor and also some of the ground floor area as shown on the submitted floor plans. The applicant has submitted a supporting statement with the application which gives details of the nature of the currently functioning business which currently occupies the ground floor and some office space above. The first floor is also used

by other occupiers for office use and it is proposed that these uses will remain. Key details are set out below: -

- Business started in Hove in 2018 and relocated to Lancing due to sale of land.
- Hours of operation 7:30am until 6:00pm.
- Staff four full time employees with two staff always present in the building along with volunteers.
- The unit has 4 parking spaces and an additional space available in front of the roller door. 2 spaces are allocated for daycare.
- Pet waste is collected monthly by Pet Waste Solutions Limited, general waste is collected weekly.
- There is a customer waiting list.
- The business works alongside schools and colleagues providing work experience placements and potential employment opportunities.

Retrospective consent is required here, the existing use of Dog Day Care is sui generis and therefore change of use is required in this case. The first floor is to remain as offices so consent is sought for this mixed use. Sui generis at ground floor and Class E (g)/B2 (offices, light industrial, storage and distribution) uses at first floor.

Amended plans have been submitted with accompanying details to show measures to be implemented to improve the acoustic insulation between the business units.

- **New Acoustic Glass Frontage**- an acoustic glass frontage is proposed for construction behind the existing roller shutter door, to mitigate sound escaping from the unit's facade. To be constructed with obscured glass to prevent views into the unit and enable the roller shutter to be lifted during the day to provide natural light into the unit.
- **New Soundproofed Mezzanine** – Soundproofing treatment applied to all walls and the ground floor ceiling of the unit, to mitigate sound omitting to the neighbouring units and up to the 2nd floor.
- **New Soundproofing in the Void at the Top of the Unit** – It is thought that the brick construction of the unit stops short of the roof and is currently backfilled with boarding. This section of wall will be soundproofed to further mitigate sound omitting into the neighbouring units.

Consultations:

West Sussex County Council: The Highways Authority

This application seeks the retrospective change of use from light industrial/storage to mixed use including dog day care and offices. The site is located off Chartwell Road, an unclassified road subject to a speed restriction of 30 mph.

No alterations are proposed to the existing vehicular access arrangement. The LHA does not anticipate that the proposed change of use to a dog day care facility would give rise to a significant material intensification of movements to or from the site, when compared with that of the pre-existing use.

The Planning Statement states that parking for five cars is to be retained, two spaces of which will be allocated to customers. Given the nature of this type of use whereby customers would be anticipated to park at the site for a short time for drop-off/pick-up at different times during the day, the LHA is satisfied with the proposed parking arrangement.

In summary, the LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 115), and that there are no transport grounds to resist the proposal.

Lancing Business Park

"Lancing Business Park BID (LBP) has been working with the applicant and neighbouring businesses to help identify mitigation measures to enable this business to continue to operate, whilst addressing the concerns raised. LBP is pleased to report that the applicant has been very receptive and has now planned a programme of investment to implement a number of building improvements, to mitigate noise transfer issues. The applicant has also confirmed that no expansion of the current Doggy Day Care business model will take place and current security measure will be maintained. LBP therefore supports this retrospective use on this basis, provided that the noise mitigation measures are implemented and made conditional on granting of this permission."

Adur and Worthing Councils:

Environmental Health

No Environmental Health comments for this application

Planning Policy

The site is located within Lancing Business Park which Policy 25 of the Adur Local Plan 2017 identified as a protected employment site. Policy 25 states that proposed conversions to uses other than employment (which it defines as B1, B2 and B8) will be resisted in these locations and therefore this is a policy objection to this application.

However it is noted that this application is retrospective and that the dog day care has been operating successfully for over 2 years bringing social and economic benefits to the local area. There has also been no evidence submitted to suggest it has had any detrimental impact on neighbouring employment uses. Policy 9: Lancing of the Adur Local Plan seeks to ensure that Lancing Business Park will continue to be protected for business use. The use class in this policy is not specified and it would be reasonable to determine that the proposed use as a commercial business would meet the requirements of this policy.

Since adoption of the Local Plan there have been changes to the Use Classes Order with the introduction of Class E which has replaced B1 with E(g). In addition the site is already in a mixed use with the permitted uses of the site being B2, B8 and E. It is unclear which permitted use the dog day care would result in a reduction of or to what extent. But the application specifies that an element of offices / storage use would be retained. Some of the units on Lancing Business Park are older and in poorer condition and if this is one of those this could help deliver quality improvements. You may also wish to consult with the Lancing BID to understand any impacts of this application on the operation of the business park.
Therefore I appreciate that although this application is contrary to Adur Local Plan Policy 25 other factors may also be of relevance, and the decision will be based on a balanced view of these. If the proposed use is allowed, this should not result in a precedent being created, in order that the adopted policy is not undermined. The dog day care would be a sui generis use and therefore any proposed change of use would require planning permission and could be considered in terms of its potential effect on the Business Park.

Lancing Parish Council

It was resolved to support the application.

Representations

Original Application

2 representations have been received from the owner/occupiers of Unit 15 objecting on the following grounds.

- The dividing walls on these units are very thin and the noise can be easily heard.
- Noise and smells
- Quietness is necessary for office work
- Animals should be housed in more isolated or rural locations.
- Unsuitable for animals and could lead to danger to the public.

- The noise affects meetings in person and online.

20 Existing customers have commented in support.

- Fully in support.
- Use for some years
- Beneficial service to the local area.
- There is no other day care for dogs in Lancing so would impact my employment.
- Enables owners to continue to work and dogs to be safe and looked after.
- Clean, secure and safe. 3 doors to enter before entering/exiting.
- No odours
- Shocked to hear there was an objection.
- No noise outside, only inside.
- Could not work without this service.
- Very well run, professional business.
- Winston Business Centre has a diverse variety of businesses so this will fit into the eclectic mix of residents.
- Better than in a residential setting.
- A risk assessment is in place to avoid any dogs escaping.
- Provides jobs.
- Loss of business would destroy career and mental health.

No representations have been received following the amended plans and submission of details relating to the noise mitigation measures.

Relevant Planning Policies

Adur Local Plan 2017 Polices, 9, 25, 34
National Planning Policy Framework (December 2023)
WSCC Guidance on Parking at New Developments (Sept 2020).

Planning Assessment

Principle

The relevant issues are the impact of the ground floor use upon the adjacent business units, the compatibility of the use and the loss of E(g) floor space and highway safety.

Impact of the use upon adjacent occupiers and surrounding area

The site lies within a Business Park and is not widely visible from outside the estate. There is no impact upon any residential occupiers or visual amenity in this case. The

external change to the building includes the proposed acoustic, obscured glazing to the frontage which is behind the existing shutter. When the shutter is open this will be visible, the only external change here. This is not deemed to have any adverse impact to adjacent occupiers or the visual amenity and character of the business centre.

The dog care is currently functioning and has been since for approximately 2 years after relocating. The current customers have made comments as set out above highlighting how valued the business is and its professional conduct. However on submission of the original application there were concerns expressed by those in Unit 15 adjacent to the site with regards to noise. Solutions have been sought to mitigate this by adding measures to insulate the walls and mezzanine to limit noise transmission whilst also adding acoustic glazing behind the shutter. Manufacturers details have been submitted and conditions are set out below to require this work to be carried out in accordance with the submitted details within 3 months of this consent. Following further consultation no further objections have been received.

It is considered that by implementing these measures that any harm will be limited or removed to allow the businesses to function within close proximity without detriment.

Loss of E(g)/B2 floor space

The Adur Local Plan states that it is important that existing sites are protected to ensure a sufficient range of opportunities for people to work in the area and for businesses to locate and grow. Policy 9 states that the Lancing Business Park will continue to be protected for business use and Policy 25 seeks to protect and enhance existing employment sites and premises. However as stated above in the Policy consultation response there is a Policy objection here as changes from B1, B2 and B8 (E(g) replacing B1 in the current planning context) would be resisted. The ground floor use here being sui generis would therefore fall outside of these uses.

However, on balance, and considering this holistically the business is currently functioning and has been for sometime and there would be no reason why it would not continue to do so successfully in the future. Therefore the floorspace will be retained as employment use for an existing and thriving business which creates and sustains employment and offers a community benefit allowing dog owners to be employed. This therefore remains an employment generating use within this eclectic mixture of business uses. The first floor would be retained within the current policy boundaries. Subject to the noise mitigation measures there would be no justification to refuse this application and to remove the existing business from the premises. The unit is 126 metres squared in total, the space occupied by the dog day care is less than 50% of this whilst the remainder continues to be used as class E(g)/B2 (some storage and other uses are shown at ground floor. A temporary and personal, restrictive condition is attached here to allow for the current dog day care use to

function however once the business ceases (or within 5 years) then the use of the building would resort to class E (g) in its entirety both protecting the future of the business floorspace and avoiding any future amenity issues.

Highway Matters

West Sussex County Council do not have any concerns with the existing use. There is parking and turning space within the business centre. Due to the nature of the use, those parking on site will be staying for short amounts of time and arriving at different points of the day so no highway safety issue will result.

Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans
2. Within 3 months of the date of this permission the noise mitigation measures shall be implemented and installed in accordance with the details shown on the approved plans and set out in the email received 14th October 2024 from applicant Patt Watts to include new Acoustic Glass frontage, new soundproofed mezzanine and new soundproofing in the void at the top of the unit.
3. The permission hereby granted shall be for the benefit of Patt Watts only and the use of the premises as Dog Day Care. On discontinuance of the occupation or use of the land by "Little Doggy Day Care", or within 5 years of the date of this permission, whichever is the sooner, the sui generis use hereby permitted shall cease and the use of the premises shall be restored to its original E(g)/B2 use class.
4. The Dog Day Care facility hereby permitted shall only be in operation between the hours of 7:30am and 6:00pm.

Is recommendation contrary to letter(s) of representation Y

1. Proactive with amendments

Case Officer: Hannah Barker Date: 2nd December 2024

Authorised by: Peter Barnett Date: 2 December 2024