Expiry Date – 4/10

Development Control – Delegated Officer Report

Application Number: AWDM/1234/19 Recommendation – Grant

Site: 26 North Road, Lancing

Proposal: Change of use of A1 (retail) to a Yoga Studio (D2).

Neighbours checked: Y

Additional neighbour notifications: N

Date of Site Visit: 20.8.19

Site and Surroundings

This application relates to a mid terraced retail shop on the east side of North Road just north of the railway crossing. The property was last used as a carpet shop but this appears to have ceased trading. There are two floors of residential over. The site has a deep rear yard and a large outbuilding off a private road to the south. To the south is a vacant bank and to the north is an estate agents.

The property is not in a conservation are and is not listed. It is within block 2 of a Primary frontage of Lancing Town Centre.

Proposal

Permission is sought to use this retail shop as a yoga studio with one teacher taking one class at a time. The proposed hours of use are Monday to Friday 9.30am to 8.30pm, Saturdays, 9.30am to 4pm and Sundays 10.30am to 1pm.

Relevant Planning History

L/25/05 – Single storey rear extension to shop (for storage) with roof patio and external stairs to flat above. Granted 29.4.05

Consultations

Health: No objection if limited to a yoga studio within D2. Proposed hours of use are reasonable.

Highways:

'This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC map information. A site visit can be arranged on request.

I refer to your consultation in respect of the above planning application and would

provide the following comments.

Proposal Summary
The proposal is for the change of use of A1 Retail to D2 Yoga Studio. The site is located on and accessed via North Road which is a C-Classified Road subject to a 30mph Speed limit.

Access
Access will be on foot via a pedestrian access from the street.

Vehicle Parking, Turning and Cycle Parking
Under WSCC Parking Guidance (adopted August 2019), the LHA would anticipate that 3 parking spaces would be sufficient for a D2 class of this size and location. This is lower than that of the current (A1) demand (4 Spaces) for this location and class usage. A Nil car parking provision is proposed for the new yoga studio. Under the WSCC Car Parking Guidance (adopted August 2019), 3 car parking spaces should be provided for the proposal. Whilst on-street car parking is limited in the immediate vicinity there are comprehensive parking restrictions prohibiting vehicles from parking in places that would be detriment to highway safety. We would not consider that highway safety would be detrimentally affected through the proposed Nil car parking provision. It could also be viewed that this proposal would represent a benefit given its lower anticipated parking demand. The Planning Authority may wish to consider the potential impacts of this development on on-street car parking.

The site is located in a sustainable location within walking and cycling distance to a range of public services options. Bus and rail links provide a realistic travel opportunity for longer trips. It would not be anticipated that future customers of the establishment would be reliant on the use of a private motor vehicle. If achievable the LHA would ask that cycle parking (1 space per 4 staff plus visitor /customer cycle parking) be provided.

Conclusion
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 109), and that there are no transport grounds to resist the proposal.

Condition
Cycle Parking – If achievable
The use here by permitted shall not commence until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.'

Policy

'Policy 27 suggests that, where proposals will result in there no longer being a predominantly retail use, in order to demonstrate that retail is no longer viable in that unit it should be demonstrated that reasonable attempts have been made to market it

normally for a minimum of one year. It appears from the letter provided that the property has been marketed for nine months with no interest other than the proposal for the D2 use. Given current market conditions, this is evidence is considered acceptable.

In terms of the issue of an active frontage to the premises, as long as any approval has a condition to retain the use of the front area of the premises as described and shown on the plan, there is no policy objection to this proposed change of use.'

Lancing Parish Council

No objection.

Representations

One letter of support from the shop freeholder.

Relevant Planning Policies and Guidance

The National Planning Policy Framework 2019
Adur Local Plan 2017 Policies 1, 2, 9, 27 and 34.

Planning Assessment

Principle

The principle of development can be supported as it provides a supporting town centre use within an stabled town centre location. For consideration is the impact of the proposals on the retail vitality of the parade and town centre and on neighbour amenity.

Retail

Policy 9 of adopted Local Plan states that:

Within the primary frontages of blocks 1, 2 (excluding Queensway Shopping Precinct) and 3, the following uses will be acceptable at ground floor level, subject to compliance with other relevant policies:

- A1 (shops)
- A3 (food and drink) and A4 (drinking establishments) and appropriate
- D1 (non-residential institutions) uses where there is a long term vacancy (normally a minimum of 1 year) and reasonable attempts have been made to sell or let the premises for A1 use.

The estate agent acting for the owner has provided a statement which advises that the shop unit has been marketed since January of this year with no interest from A1 users. In fact the only interest expressed at all is from the current applicant for use as a yoga studio. Planning policy has confirmed that given the current market conditions this extent and level of marketing is acceptable in this case and points to the yoga studio being an acceptable alternative use in line with policy 9.

In order to maintain an active frontage the applicant is proposing a reception area and seating for customers while they wait for their class. Wellness products may also be sold from this frontage area. A shear curtain will separate this reception area from the studio behind when a class is taking place. Again this level of active frontage is acceptable and a condition requiring its retention is recommended.

The proposed use is acceptable in shopping policy terms and will not be harmful to the viability of this parade.

Neighbour amenity

A yoga use with the hours proposed is not expected to lead to nuisance to residents above. Other D2 uses could potentially cause harm, i.e. dance hall, gym, skating rink and as such officers in environmental health are requesting that the D2 use be limited to that of a Yoga studio. This seems appropriate in this case.

Only one class can take place at any given time with a maximum of 25 students per class. Ad hoc teachers will use the space.

The site cannot provide car parking. Given the sustainable location of this shop this is not expected to cause harm. It may be possible for cycles to be locked in the rear yard, though this cannot be assured. The absence of cycle parking is not critical. Cycle racks are available at the train station nearby.

Recommendation APPROVE subject to the following conditions:

1. Approved Plans
2. 3 years
3. Limited within D2 to yoga only
4. Hours of use
5. Reception area and seating retained at all times.

Informative

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Is recommendation contrary to any representations? No.

Case Officer signed: MOK Date: 1/10/19

Authorised and signed by: Peter Barnett Date: 1 October 2019