Development Management - Delegated Officer Report

Application Number: AWDM/0392/19 **Recommendation – Approve for 3 years**

Site: **Ocean View Business Park, Gardner Road, Southwick**

Proposal: **Retrospective change of use of part of the first floor to boxing gym (Use Class D2) for a temporary period of 3 years.**

Date of site visit: Seen previously

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

The application relates to the Ocean View Business Park (formerly Nynex House) which is in use as a motorcycle assembly and distribution centre. Retrospective permission is sought to use a large room of 410sqm on the first floor in the front part of the building as a boxing gym (Use Class D2). The room is accessed from the communal central staircase off the main entrance to the building.

No external works are proposed or necessary. Permission is sought to retain the use for a period of 3 years only. The area is currently surplus to requirements for the motorcycle business but a temporary permission would enable it to be recovered should it be needed in the future.

Relevant Planning History

AWDM/0981/15 - Application for a Lawful Development Certificate for proposed use of Nynex House for a mix of B1 (business) and B8 (storage) uses with ancillary showroom - approved

AWDM/1673/15 - Part change of use from mixed Use Classes B1 (business) and B8 (storage or distribution) to mixed Use Classes B1 and B8 in addition to part internal change of use to MOT testing of applicants' own motorcycles (formerly Nynex House) - approved

AWDM/1606/18 - Erection of 9no. industrial units for Use Classes B1 (business) and Use Class B8 (storage or distribution) on east side of site with associated parking and refuse storage – not yet decided

Consultations

West Sussex County Council: The **Highways** Officer has no objection. The boxing gym is not anticipated to result in a material intensification of use of the access over the potential of the existing B1/B8 use of the site. Furthermore, a gym is most likely to peak in traffic during the evenings, outside of peak

highway hours, and therefore would not necessarily add to the intensification of use on the highway.

If planning application AWDM/1606/18 is approved, the car park capacity will reduce from 130 to 68 spaces. Using WSCC car parking standards it was calculated that the gym would create a demand for 18 spaces. There would still therefore be a sufficient number of spaces on site for the needs of all users of the site.

Adur and Worthing Councils: The **Environmental Health** Officer advises that a restriction before 8am would be appropriate and perhaps music played should be at a level as not to be audible at any site boundary. Audibility is easy to assess without the need of a sound level meter from inside the site boundary fence. Then, if they want windows open, they will have to consider the volume to achieve this condition.

Representations

None received

Relevant Planning Policies

Adur Local Plan 2017 Policies 4, 28, 34
National Planning Policy Framework (February 2019)

Planning Assessment

The building is large and the loss of this relatively small area for a temporary period of 3 years only would not compromise the business use of the premises. There is ample car parking at the site and no highway objection has been raised against the proposed use. The site is also in a sustainable location, close to Fishersgate railway station and bus stops.

The building is reasonably well separated from neighbouring houses but it is understood that music from the gym is audible, especially when windows are open. Operating hours are stated as being 6am to 10pm Monday to Saturday and 8am to 6pm on Sundays and Bank Holidays.

In the circumstances, it is recommended that a restriction on playing music before 8am and after 8pm is included, with any music to be restricted to not be audible at any site boundary.

Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans
2. Temp 3 year permission
3. Use as boxing gym only and for no other purpose
4. Hours of use 6am to 10pm Monday to Saturday and 8am to 6pm on Sundays and Bank Holidays

5. No music before 8am or after 8pm. Music to not be audible at any site boundary.

Is recommendation contrary to letter(s) of representation? N

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.

Case Officer: Peter Barnett Date: 25 April 2019

Authorised by: Gary Peck Date: 26 April 2019