PLAINVIEW
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Grounds of Appeal

Change of Use from B1/B8 to D2 (Personal Training Studio)

Unit 10

Chalex Works

Manor Hall Road

Southwick, West Sussex

26th March 2013

Appeal against Adur District Council, Ref: AWDM/1530/12 Notice Issued: 12th March 2013 *Ref: 0408/OWIWC/v1*

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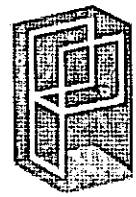


1. INTRODUCTION

1.1 This Grounds of Appeal Statement has been prepared by Plainview Planning Ltd on behalf of Mr Key (the Appellant) in support of a planning appeal submitted under Section 78 of the Town and Country Planning Act 1990.

1.2 The Statement has been prepared in accordance with the Town and Country Planning (Appeals) (Written Representations Procedure) (England) Regulations 2009.

2. GROUNDS OF APPEAL

2.1 It is proposed to change the use of 10 Chalex Work, a B1/B8 industrial unit, to allow the appellant to run his D2 personal training studio from the unit.

2.2 It is important to stress that the proposal is not a typical gymnasium, and generates far fewer trips which are also outside peak times.

3. SITE CONTEXT

3.1 Chalex Works is a 1.9 hectare industrial estate situated on the southern side of Manor Hall Road which runs parallel with the A259 Coast Road and the A27 Old Shoreham Road.

3.2 Chalex Works industrial estate contains an array of modern units with uses ranging from warehousing to car repair workshops. Unit 10 comprises a mid-terraced modern steel framed unit under a profile steel sheeted elevation and roof. The industrial estate is surrounded by residential development consisting of post war houses at a medium to high density.

3.3 The site benefits from good road links with easy access to the A27 Brighton bypass. There are good links to public transport with Fishersgate train station adjacent to the proposal site, and regular buses running along manor Hall Road servicing Southwick, Brighton and Hove City Centre.

4. REASONS FOR REFUSAL

4.1 There a two main reasons for refusal, these are;

Marketing Evidence

4.2 The LPA allege that there is insufficient marketing evidence to prove the current B1/B8 uses are not viable.

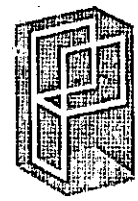
4.3 The LPA consider that the change of use would have a materially harmful effect upon the availability and desirability of industrial and business premises.

4.4 The LPA cite saved Local Plan Policies AE2 and AE4 (**adopted 2006**), South East Plan policies RE3 and SCT3 (**revoked**) and the National Planning Policy Framework paragraphs 18-21 and 160-161.

4.5 It is our case that the 14 months marketing evidence provided by Oakley Commercial (a large and well respected local agency) is more than sufficient to prove that the current use is not viable. Furthermore, paragraph 22 of the NPPF 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".*

Highways

4.6 The LPA allege that there is a substandard access, inadequate provision of parking within the estate and surrounding area and the inclusion of a D2 gym would have a



materially harmful effect on the highway operations and activities of existing and future businesses.

4.7 The LPA cite South East Plan policy T4 (**revoked**) and National Planning Policy Framework paragraphs 35, 36, 39.

4.8 We consider that the current B1/B8 use on an established trading estate will generate its own highway impact during working hours, with HGV movements likely. The proposal for a personal training centre will generate off-peak trips, with clients likely to use the centre outside of working hours.

4.9 We further note that paragraph 32 of the NPPF states that *"Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe".*

4.10 We respectfully disagree that the change in use will have a severe impact. Furthermore, we note that there was no objection from West Sussex County Council.

5. GROUNDS OF APPEAL

5.1 In summary, our grounds of appeal are:

- The premises has been marketed for a sufficient amount of time;
- The development represents efficient use of a vacant site;
- Long term protection of employment sites is not supported by NPPF;
- The change of use will generate employment possibilities;
- Development of leisure and sporting facilities is backed by local and national planning policies;
- The refusal includes reasons that are based on revoked or out-of-date policy;

- The proposal is not for a typical gym, but instead a personal training centre with an appointment system;
- There will be no adverse impact on highways. The proposed use will not attract HGV or other large commercial vehicles, something the current use requires;
- There is a lack of appropriate D2 floorspace in the local area;
- There are several similar precedents in the local area.

5.2 Each point will be expanded upon in our Statement of Case.

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