Development Management - Delegated Officer Report

Application Number: AWDM/1480/16 Recommendation – Approve

Site: 394 - 398 Brighton Road, Shoreham-By-Sea

Proposal: Change of use of ground floor from car showroom to Use Class D2 (assembly and leisure) sports and fitness centre.

Date of site visit: 25 October 2016

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

The application relates to a former car showroom on the ground floor fronting Brighton Road. The building is set back from the road and there is a forecourt in front of the building. On the roof of the building there is a parking area accessed from New Road. There are also flats above a large part of the ground floor as well as residential properties to either side of the site.

The application is proposing to change the use of the car showroom to a sports and fitness centre. The ground floor will contain changing rooms, fitness training and gymnasium facilities and a dance area. A small first floor area will be used as office space. Opening hours are stated as being 6am – 10pm Monday to Saturday and 6am – 6pm on Sundays but with public access from 7am.

Relevant site history

SU/215/86 - Demolition Of Existing Car Showroom & Construction Of New Showroom & Offices with 4 No Two-Bedroom Flats Above And Car Parking Spaces

Consultations

West Sussex County Council: The **Highway** Officer has no objection. In assessing trip generation and its impact, it is standard practice to do this on an hourly and daily basis in order to establish the day to day impact resulting from a development proposal. In addition to the information submitted by the Applicant, the LHA have used the Trip Rate Information Computer System (TRICS) to assess the likely trip generation of the proposed use. This is industry standard software that is supported as an assessment tool through the WSCC 'Transport Assessment Methodology' and the DfT 'Guidance on Transport Assessment'.

A trip analysis has been undertaken on the use type 'Leisure' in the use class 'Fitness Class'; the assessment has been undertaken in accordance with TRICS 'Best Practice Guidance'. A copy of this report is found at the end of the TS. This establishes that there would be two defined peak hours, one at 1100-1200 and another at 1700-1800. It is anticipated that there would be 5

movements in the morning peak and 11 movements in the afternoon peak time. An overall vehicular trip rate of 115 daily movements would be expected, this is a small increase over the existing uses which were 70 movements.

The LHA satisfied with the TRICS information; this shows a small increase in traffic movements to the site and would not be considered a 'severe' impact when considered against Paragraph 32 of the NPPF.

In terms of visibility this has now been demonstrated on a revised drawing number: BRS/SR/101 contained within the TS. Visibility splays of 43 metres have been provided these are in accordance with the 30 mph speed limit. The LHA are satisfied that this drawing satisfactorily. The LHA have reviewed data supplied to WSCC by Sussex Police over a period of the last 3 years. There have been no recorded injury accidents at either the junction with Brighton Road, nor in the vicinity of the site access onto New Road. There is no evidence to suggest that the junction is operating unsafely, or that the proposed change of use would exacerbate an existing safety concern.

The parking arrangements have been demonstrated in more detail. There will be parking provided to the rear of the site from New Road. These will serve 6 parking spaces for staff and existing residents for the flats. Two Disabled parking spaces will be provided from the existing access from Brighton Road. These spaces should be provided with dimensions of 3.3 by 4.8 metres. The site does benefit from an existing public car park within very short walking distance onto Tarmount Lane. This offers a 'pay and display' arrangement between 09.00 am to 10.00 am and outside of these hours it is free to use the car park. Pedestrian routes from the car park to the site are served via the existing footway network, with crossing points and tactile paving present. From Brighton Road the site is also served via the existing footway network which link into the Shoreham further to west.

Tarmount Lane and Brighton Road are both subject to enforceable waiting restrictions, and whilst there is some parking capacity available along New Road. The latter provision is outside of the control of the Applicant and tends to be utilised by existing residents.

The LHA will only consider the impact of overspill parking from a safety perspective; matters of amenity would be a matter for the consideration of the Local Planning Authority. While it is likely that some overspill parking may occur it is not considered that this would be detrimental to highway safety and key locations in the public highway are subject to enforceable parking restrictions.

Having considered the information contained within the TS, the LHA does not consider that the proposed change of use would have 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (para 32), and that there are no transport grounds to resist the proposal.

The **Archaeologist** has no objection.

Adur & Worthing Councils: The **Environmental Health** has no objection subject to all of the recommendations in the accompanying acoustic report

being secured by condition, particularly for the ceiling improvements and for the control of amplified music. The maximum sound level could be controlled through a sound limiter.

I would recommend that quiet gym equipment such as rowing machines and cross trainers etc are positioned towards the party wall and machinery that could clank and loose weight training positions are to the East of the room away from the party wall.

Southern Water: Request informatives

Environment Agency: No objection provided suitable information has been submitted in relation to access and evacuation and finished floor levels.

Representations

4 letters of objection received from the owner/occupiers of Flats 1, 2 and 4 Esprit Court, plus 48 New Road:

- Potential problems of noise and vibration disturbing flats above
- Lack of sound proofing
- Dance studio to be directly adjacent to dwelling
- Noise pollution when doors and windows are open
- Noise of arrivals and departures at unsocial hours
- Opening hours are unreasonable
- Pollution to front balcony from vehicles parking in front of the premises
- Previous use as car showroom was prohibited from using forecourt for parking
- Increased congestion and risk to highways safety on A259
- Visual and odour pollution from waste bins
- Potential problem of gym users parking in designated spaces for flats
- Loss of privacy
- Loss of Human Rights

Relevant Planning Policies

Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AH7 and Appendix 11 ‘Supplementary Planning Guidance’ comprising: Development Control Standard No.3 ‘Extensions and Alterations to Dwellings’
Submission Adur Local Plan (2016) Policy 15
National Planning Policy Framework (March 2012)

Planning Assessment

Visual amenity

The proposal involves limited external alterations to the building and will have little impact on the visual amenities of the locality. The removal of display vehicles from the forecourt represents a visual improvement.

Residential amenity

The main concern with this proposal relates to the potential for noise disturbance associated with the use of the gym. The applicants have submitted a Noise Assessment which identifies road traffic noise from the A259 Brighton Road as the principal noise source currently affecting residential properties in this location.

Within the dance studio it is proposed to install wall-mounted speakers which will run at 'background levels' generally but volume is likely to increase during classes. Following sound tests, it is reported that "the music level will have a negligible effect on the internal ambient noise level in the flat above." This conclusion is based on the music being set to no higher than 80dBA which will provide a sound level of 30dBA in the lounge of the flat above.

Noise breakout through open windows is also calculated as negligible in comparison to the transfer of noise through the separating floor. Neighbouring properties to the sides are considered to benefit from further sound reduction than the flats above.

Fixed gym equipment will generate noise through the 'clink' of weights while weight lifting could result in the user dropping the weights onto rubber matting. Noise generated by such activities is found to be below the existing noise levels caused by road traffic passing by.

The noise report notes that the existing ceiling is to be removed to enable an increase in ceiling height. It recommends that mitigation is provided in the form of acoustic plasterboard. It also recommends that speakers are mounted on anti vibration mounts and that equipment is fitted with a sound limiter, to a maximum of 75dBA. Weight-lifting areas should have noise resilient mats to prevent disturbance when weights are dropped.

The concerns of residents are noted and appreciated. However, the Environmental Health Officer has not raised an objection to the proposal provided the recommendations in the acoustic report are fully implemented. This can be secured by condition.

The proposed hours of operation will see the gym open to the public from 6am Monday-Saturday and from 8am on Sundays and Public Holidays. The applicants have advised that at least 10% of their proposed members would use the gym before 8am and after 8pm and that with the sound protection measures proposed these should adequately protect the neighbours' amenity. The Environmental Health officer agrees with this and has no objection to the hours proposed. It is recommended that use of the music system in the dance studio is prohibited by condition until after 8.00am.

Concerns at loss of privacy and noise from customers vehicles are not considered to be sustainable as the proposal will involve less vehicular activity than the previous use as a car showroom and customers will not be allowed to park on site (other than disabled users).

Parking and Access

The forecourt of the building fronting Brighton Road is to be used to provide two disabled user parking bays and for deliveries. Three parking bays will also be provided within the existing car park off New Road. These will be used by staff and management rather than gym users and will be controlled by allocated parking passes. The Transport Statement submitted with the application states that gym users will be directed to use sustainable modes of transport or to park in the Tarmount Lane public car park, where there is considered to be sufficient capacity.

The TS advises that a significant proportion of trips will be generated by users of the facility on their daily commute rather than a new, specific vehicle movement. The TS also considers that the traffic movements associated with this use will significantly reduce the risk of collision compared with the previous use of the forecourt for the display of cars and as customer parking (although this appears to have been carried on in breach of Condition 5 of the planning consent for the use which prohibited any display or storage of cars on the forecourt as it was to be used for customer and staff parking only). Nevertheless, there is likely to be a reduction in vehicular comings and goings on the forecourt compared with the previous use.

The Highway Officer has no objection to the proposal.

Flood Risk

The site is located within Flood Zone 3 but the proposed gym is described as a ‘less vulnerable’ use under the Environment Agency’s Vulnerability Classification, which is the same classification as the previous use. In the event of a flood, access and escape up to higher ground on New Road would be possible. Floor levels are to be no lower than existing. There are no flood risk concerns with this proposal therefore.

Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans
2. Standard 3 year time limit for commencement
3. No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan attached as an appendix to the Transport Report dated November 2016. These spaces shall thereafter be retained at all times for their designated purpose, i.e. for disabled users and staff only
4. The premises shall be used only as a sports and fitness centre and for no other purpose within Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any Statutory Instrument revoking and re-enacting that Order with or without modification).

5. The premises shall not be open to the public except between the hours of 06.00am and 10.00pm Mondays to Saturdays and 08.00am and 06.00pm on Sundays and Public Holidays..
6. The use hereby approved shall not commence until the sound insulation of the ceiling has been improved in full accordance with the method set out at section 10.1 of the Noise Assessment and the works have been inspected and approved by Council Officers.
7. The music system for the dance studio shall be fitted with an electronic in-circuit device noise limiter (to ensure that the music noise level does not exceed 75dB(A). The limiter shall be installed and maintained in accordance with the manufacturers recommendations. Before the dance studio is brought into use an assessment shall be carried out to ensure that the music noise level is inaudible inside any neighbouring residential property, with the results submitted to the Local Planning Authority. Dance studio instructors shall not communicate through a microphone during sessions. All speakers shall be fitted using anti-vibration wall mounts.
8. Weights shall only be dropped on to mats comprising multiple noise resilient layers as recommended in section 10.4 of the Noise Assessment and use shall not commence until such mats have been installed.
9. All weight-training machines and free weight-lifting activities shall be located in the east side of the gym, furthest from the party wall with the flat above

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

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: 22 December 2016

Authorised by: Gary Peck Date: 22 December 2016