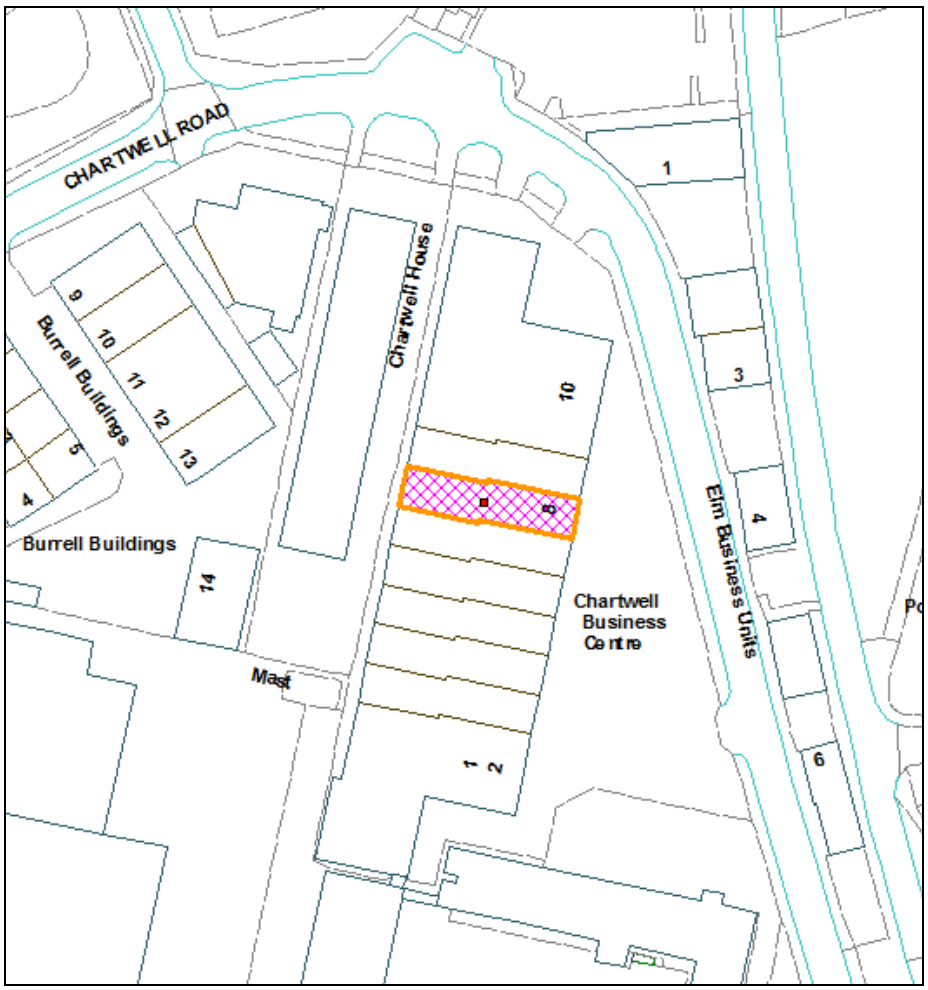
Application Number: AWDM/1775/18 **Recommendation – APPROVE**

Site: **Unit 8 Chartwell Business Centre, 42 Chartwell Road Lancing Business Park, Lancing**

Proposal: **Change of use from B1/B2/B8 to D2 Gym and minor internal changes**

Applicant: South Coast Gym Ward: Churchill
Case Officer: Peter Barnett



Not to Scale

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Proposal, Site and Surroundings

The application seeks permission for a change of use from business (Use Class B1/B2/B8) to leisure use (Class D2), specifically for use as a gym. No external alterations or extensions are proposed.

The site lies within a terrace of 11 units in the Chartwell Business Centre, 4 of which are now in gym/leisure use. These are:

Unit 6 – Zodiac Cheerleading
Unit 7 – South Coast Gym (the current applicants)
Units 9 and 10 – Wickers Gym

The applicants currently occupy Unit 7 and wish to expand their business into the adjoining Unit 8. The application is a Departure from the Adur Local Plan and has been advertised as such.

Relevant Planning History

AWDM/1028/14 – Change of use of Unit 7 from Use Class B1/B8 (Business/Storage or Distribution) to gym (Use Class D2 Assembly and Leisure) – 3 year temporary permission granted until 24 November 2017

AWDM/1644/14 – Unit 9 - Change of use from Class B2 Industrial to gymnastics facilities (D2) – this was an expansion of an existing gym (Wickers Gym) who also occupy Unit 10. Permission was granted by Members contrary to the Officer's recommendation.

AWDM/0157/15 – Unit 6 - Change of use from Use Class B1/B8 (Business/Storage or Distribution) to Use Class D2 (Assembly and Leisure) - Permission was granted by Members contrary to the Officer's recommendation.

AWDM/1754/17 - Continuation of change of use of Unit 7 from Use Class B1/B8 (Business/Storage or Distribution) to gym Use Class D2 (Assembly and Leisure) (Departure) – permanent permission granted

Consultations

West Sussex County Council: No objection from a transport/highways aspect. Comments that WSCC have used the car parking standards for D2 use to understand the anticipated parking demand for a D2 use of this size; which equates to 37 additional car parking spaces.

The applicant has confirmed the parking needs of the gym work well within this setting as the gym's peak times wrap around the existing business units operating times; and as such complement each other.

Examples have been provided to show they have good relations with the other business operating in the industrial estate; and are given permission to use these car parks when not in use.

As the gyms peak hours are 6-8am in the morning and 5-10pm at night, considering the examples provided, there would be enough capacity within the sites car park and in alternative car parks (such as Wickes or RR Donnelly's) on the estate for an additional 37 spaces.

The applicant has also confirmed this does not take into account the Council's Marlborough Road car park, which is large enough to accommodate more than this number should it be necessary, and the large number of lunch time users are employees from the estate which would suggest they are travelling sustainably to the site with no need for parking.

As such WSCC are satisfied this increased demand for more car parking can be accommodated by the existing parking spaces on the industrial unit and raise no further objection.

Adur & Worthing Councils: The ***Environmental Health*** officer has no objection

The **Planning Policy** Officer objects to the application. Advises that Unit 7 received a temporary consent for D2 use in 2014 and permanent consent in January 2018 (AWDM/1754/17). The decision notice makes clear that this was granted on an exceptional basis (as the proposal was contrary to planning policies seeking to protect employment uses). As such, this should not be seen to create a precedent.

The permanent consent for Unit 7 was granted despite Policy 25 of the Adur Local Plan resisting change of use on the Lancing Business Park. (The Adur Local Plan was adopted in December 2017). At that time it was noted that the gym offered a range of social and economic benefits. As the committee report makes clear, a further material consideration was that the non-business use was in existence at that point.

The current proposal seeks to extend into a unit in (or last in) B class use. Policy 25 of the Adur Local Plan strongly resists conversions to other uses from B class uses, in Lancing Business Park and two other key industrial estates in Adur. This is in order to ensure there is sufficient B class floorspace available in Adur.

No evidence has been provided to indicate that the gym has sought, but failed to find, larger premises elsewhere. Although the social and health benefits of the gym are noted, this proposal would result in a loss of a further B class unit on one of Adur's key industrial estates. There is therefore a policy objection to this proposal.

However it is appreciated that 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.

Lancing Parish Council: No objection

Lancing Business Park Business Improvement District (BID) Committee: Support the application. Lancing Business Park currently has a 98.5% total floorspace occupation rate, with very few units currently available on the business park. Lancing Business Park BID is committed to retaining B1, B2 & B8 units for industrial/office use to provide expansion space for existing businesses based on the business park and to attract more industrial/office businesses to the area, without impacting the daily operation of the business park.

Lancing Business Park currently suffers from parking, congestion and one-way issues and are working with WSCC Highways and businesses based on the business park, to try to alleviate these issues. The business park is particularly suffering from parking and congestion issue from 3pm weekdays, as visitors navigate the business park to drop-off/pick-up from the far end of Chartwell Business Centre.

Unit 8 Chartwell Business Centre was occupied by an audio manufacturer until November 2018, when they relocated to a larger independent unit. Unit 8 is neighboured by a Gymnastic organisation in Units 9 & 10, South Coast Gym in Unit 7 and a Cheerleading organisation in Unit 6. Currently Units 3, 4 & 5 Chartwell Business Centre are being marketed for occupation.

Lancing Business Park BID have been working with South Coast Gym and The Fit Project to improve fitness of staff on the business park and we understand that businesses are already seeing benefits from this partnership. Members also consider it beneficial to have an onsite gym for staff to easily access before and after working hours.

Lancing Business Park BID Committee have considered all the issues relating to this application and concluded to support this application for the following reasons:

- The applicant is already a member of the BID, contributing both financially and by providing free fitness support and advice for staff on the park
- The applicant's business operation is mainly before and after normal working hours and members do not consider that an expansion of this operation will add to current parking and congestion issues
- Members consider Unit 8 to be unattractive to potential B class businesses due to the existing D class neighbours and the potential risk for HGV movements
- Units 3,4,5 Chartwell Business Centre are currently being marketed for B class use, which provide industrial/office potential at the less congested end of Chartwell Business Centre. The BID therefore seeks to retain B class use in these three units.

Representations

7 letters of support received from various businesses within the Lancing Business Park:

- Our staff use the facilities at the existing gym as it is convenient for pre-work and lunchtime training
- It provides an essential service, namely accessible health and fitness for employees
- Existing facilities are small and cramped.
- Any expansion would be welcomed

Relevant Planning Policies and Guidance

Adur Local Plan 2017 Policy 25
National Planning Policy Framework (2018)

Relevant Legislation

The Committee should consider the planning application in accordance with:
Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations; and
Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

Planning Assessment

Principle

The site is located within Lancing Business Park which is subject to Policy 25 of the Adur Local Plan. This seeks to protect the Business Park for B1, B2 and B8 uses with no flexibility for other uses unless

"(i) The loss of a small proportion of employment floorspace would lead to a significant upgrade of the remaining employment floorspace; or

(ii) It can be satisfactorily demonstrated that the site or premises is/are genuinely redundant and that no effective demand exists or is likely to exist in the future to use the land or buildings for B class uses. This should include the length of time the property has remained vacant, the attempts made to sell/let it, and the demand for the size and type of employment premises in the area.

Where part (ii) of the above criteria has been satisfied, a mix of uses will be considered. Employment generating uses should be considered as part of this mix of uses. Complete loss of employment uses will only be acceptable where it has been demonstrated to the satisfaction of the Local Planning Authority that partial employment use cannot realistically be achieved."

The Council is also about to consult on a new supplementary planning document: "Demonstrating Genuine Redundancy of Employment Sites in Adur." This will require applicants to justify the loss of a business unit by demonstrating that all reasonable steps have been taken to maintain a Class B use. Where it is demonstrated that it is not viable to maintain the existing business use then options for alternative employment uses will need to be explored before non-employment uses would be considered. This applies to all employment sites/premises regardless of size or condition. Applicants would then be expected to have undertaken a marketing campaign of at least 1 year to determine the demand for the site from business occupiers. Until this has been undertaken, change of use will not be considered.

Ordinarily, therefore, this proposal would be refused as the unit only became vacant in November 2018 and no marketing has been undertaken to demonstrate any genuine lack of demand for business use. The applicant has also failed to provide any evidence that they have sought larger premises elsewhere.

However, there are considered to be material considerations in this case which could justify an exception to policy.

The existing gym in Unit 7 has successfully established itself within the Business Park and there is evidence, borne out in several letters of support from other businesses on the Park, that the gym is well used by their employees, resulting in health and wellbeing benefits. The gym currently employs 10 permanent staff and 6-8 sub-contract trainers. As well as benefitting employees on the Business Park, the gym also runs training courses for local schools. Their aim is to become a regional centre of excellence for various sports and activities, including the setting up of an educational programme to cover healthy eating as well as exercise.

Unit 8 is immediately adjacent to unit 7 and would enable a relatively simple expansion of the existing gym into the adjoining building, over two floors. This would then result in a continuous run of 5 units in D2 use, rather than having a B Class unit in between D2 Class units. The unit could also revert to a B Class use just as easily should the gym cease in the future. The applicant has confirmed that he would agree to the imposition of a condition to restrict the use of the unit as a commercial gym only and no other use within Class D2.

Another important consideration is that Lancing Business Park BID Committee support the change of use of Unit 8. They have confirmed that they have been working with the existing gym to improve the fitness of staff on the business park and the applicant is already a member of the BID. They also consider that Unit 8 will be unattractive to

potential B Class businesses because of the D Class businesses on either side. Finally, they have confirmed that Units 3, 4 and 5 are currently being marketed for B Class use and they would expect those units to be retained for B Class use.

Consequently, and on balance, notwithstanding the policy objection to the loss of this unit for B Class uses, it is considered that there are sufficient material considerations here to justify an exceptional departure from Policy 25 of the Local Plan. In reaching this decision, it should be emphasised that this is an exception and in no way justifies the loss of further units for non-business class uses within the Chartwell Business Centre or the wider Lancing Business Park as a whole.

Accessibility and parking

The applicants have previously submitted a car parking demand survey using a combination of TRICS data and manual counts which revealed that the gym use would not result in increased parking problems or highway safety issues. Since 2014 the use of Unit 7 has operated without complaint.

West Sussex highways had originally sought an updated parking survey to support this application. However, the applicant responded by providing the following information:

"*With the two units we have 10 permanent spaces. We also have additional spaces as follows:*

From 6am-8am 11 Spaces from Wickers.

From 6am - 5pm another 5 spaces from Unit 6.

From 6am-8am and then from 3pm-10pm 27 spaces from RR Donnelley's

There are also another 9 Visitor spaces on site which have to be drawn in by the Landlord, which can be used throughout the day.

Our main peak of members is 6am-7.30am and then from 5pm. We also have members at lunchtime but the vast majority of these are from the Business Park itself.

The great thing with the gym is that its peak periods are the opposite of the park itself creating a perfect synergy. So the above is purely for parking on our own site. We also have on road parking and the Business Park car park, but this hasn't needed to be used. We also have permission from the businesses opposite to use their parking spaces outside of business hours."

WSCC Highways has considered this response and have confirmed that they are satisfied that any increased demand for car parking can be accommodated by the existing parking spaces on the industrial unit and no therefore highway objection is raised.

Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans
2. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), the premises shall be used only as a gymnasium within Use Class D2 as defined in the Town and Country Planning (Use Classes) Order 1987 or in any equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without modification. On cessation of the use hereby permitted, the premises shall be restored to their former use (Class B1/B2/B8).

11th February 2019