Development Management – Delegated Officer Report

Application Number: AWDM/1453/23 Recommendation – APPROVE

Site: 42 Brunswick Road, Shoreham-by-Sea, BN

Proposal: Change of use from Class E to Sui Generis (Laser Treatment Service to include laser hair removal, vascular and pigmentation removal (all done with a non-ablative laser) as well as selling skincare products from trusted brands).

Date of site visit: Assessment has been assisted using the Applicants plans; Earthlight mapping; and Google 3D of the site

Neighbours checked: Y

Additional neighbour notifications: N

Site, Surroundings and Proposal

The application site is located on the east side of the road and is on a corner position with Brunswick Road and Ham Road, with the site facing onto Brunswick Road. It contains a ground floor commercial use with what appears to be a residential use over. The front elevation has a centrally located front entrance door with a glazed shopfront either side of the door. Access to the first floor is via a door to the side of the shop front.

The site is located with the Primary Retail Frontages (policy 9); Town Centre Block 2 (policy 9); and the Town Centre Boundary (policy 27); the Primary Shopping Area (policy 27).

The Proposal:

The application seeks planning permission for a change of use of the ground floor from Class E to a (Use Class Sui Generis), comprising Laser Treatment clinic – offering services such as laser hair removal, vascular and pigmentation removal (all done with a non-ablative laser), as well as selling skincare products.

The use would provide 1 full time and 2 part time employees

Hours of opening: Monday to Friday 0930 – 1800: Saturday 1000 – 1700

Planning History:
SU/221/02/TP Change of use from offices to a two-bedroom flat **Approved 18.12.2002**

SU/39/85/TP Change of use from betting office to Class 1 retail shop (ground floor only). **Approved 30.4.1985**

SU/252/81/TP Change of use of ground floor from retail use to betting office. **Refused 02.02.1982** **Appeal Allowed 10.08.1982**

Consultations:

Planning Policy

Subsequent to the Local Plan adoption, there has been the introduction of changes to the Town & country Planning (General Permitted Development) (England) Order 2015.Specifically the introduction in Use Class E which came into force in 2020 which now covers the former use classes of A1 (shops), A2 (financial and professional), A3 (restaurants and cafes) as well as parts of D1 (non-residential institutions) and D2 (assembly and leisure), and puts them all into the one new use.

The new use class includes a broad and diverse range of uses which principally serve the needs of visiting members of the public and or are suitable for town centre areas.

Until the adopted Adur Local Plan policies have been reviewed, they are still in place, however, it is clear that the changes to the use classes order will carry more weight than the current Local Plan policies. While a sui generis use, a Laser Treatment Service broadly fits in with the categories referred to above in being appropriate for a town centre.

Adur District Conservation Advisory Panel**:**

Members assume that the Planners will have sight of the façade prior coming to a decision. Meanwhile ADCAG members recommend Approval.

Env. Health Public Health & Regulation**:**

Not sure if anyone is living over the premises, but there is some noise associated with the laser treatment. It may be advisable to condition the hours of use. The hours put forward in the application are reasonable.

WSCC Highways**:**

No vehicular access or parking is associated with this site, whilst pedestrian access will remain as existing via Brunswick road. Considering the scale of the proposed development, the LAA does not anticipate that the proposed change of use would give rise to a significant material intensification of movements to or from the site.

No vehicular parking is proposed, as per the existing arrangement. Consequently, vehicular parking would have to be accommodated on-street. On-street parking is limited within the vicinity, there are comprehensive parking restrictions in place on the nearby read prohibiting vehicles from parking in places that would be detrimental to highway safety. The LHA does not anticipate that the nil car parking provision would result in a severe material highway safety concern, nor give rise to any existing parking capacity

issue. However, the LPA may wish to consider the potential impacts on the nearby on-street parking provisions from an amenity point of view.

Weight is given to the fact the site is situated in a sustainable town centre location within walking/cycle distance of public transport connections and public car parks.

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 NPPF (para 111), and that there are not transport grounds to resist the proposal.

Southern Water**:**

Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer

Representations: None received

Relevant Planning Policies

Adur Local Plan 2017 Policy 1, 11, 15, 17, 27, 34
National Planning Policy Framework 2021

Planning Assessment:

The site sits in the Shoreham Conservation Area; is within Policy Town Centre Block 2; Primary Shopping Area; and Primary Retail Frontages.

Policy11 Shoreham-by-Sea covers the primary retail frontages states that within block 2 the following uses will be acceptable at ground floor level, subject to compliance with other relevant policies.

Policy 27: Retail, Town Centres and Local Parades.

Amongst other things, the policy states that:- *"……In the areas designated as local shopping parades, shopping and other town centre uses will be supported at ground floor level but a predominant shopping use (as defined in the Town and Country Planning (Use Classes) Order 1987 as amended) on ground floor premises will be retained. Where proposals would result in there no longer being a predominant shopping use, this will only be acceptable where it can be demonstrated that retail is no longer a viable use in that unit, particularly where it has remained vacant for a long period (normally a minimum of one year) and that reasonable attempts have been made to market it for retail purposes."*

As stated above within the Policy consultation response, the T&CP(GPD) Order etc. has now come into force and has identified a new Use Class, E, which now covers the former use classes of A1 (shops), A2 (financial and

professional), A3 (restaurants and cafes) as well as parts of D1 (non-residential institutions) and D2 (assembly and leisure), and puts them all into the one new use.

The new use class includes a broad and diverse range of uses which principally serve the needs of visiting members of the public and or are suitable for town centre area.

The Policy consultation states that until the adopted Adur Local Plan policies have been reviewed, they are still in place, however, it is clear that the changes to the use classes order will carry more weight than the current Local Plan policies.

The Laser Treatment Service is deliberated to be a sui generis use, and is considered to be a use which will broadly fit in with the categories referred to above, and it will be one that will be for visiting members of the public. An ancillary use of the proposal will be to sell skincare products, this will also fit within the Use Class E. The whole is considered to be an appropriate use within a town centre location.

The proposed use although not prevalent within town centre locations is though not considered to be inappropriate to such an area as it will be providing a personal service, and one which brings people into the area, thereby satisfying the ethos of a town centre location.

The Environmental Health consultation required that the hours of use identified within the application forms would be reasonable for the proposed use these hours are shown to be:-

Monday – Friday 09.30 – 18.00
Saturday 10.00 – 17.00

Residential and Visual Amenity

The property has had many uses over the years including tattooing and body piercing, and thereby Laser Treatment Service is in many ways not dissimilar to these uses. Such a use is thereby considered not to materially affect the existing residential amenities of the neighbouring properties.

No external alterations to the property have been identified within the application and the D & S statement states that the only alteration to the property will be the creation of a stud wall to create a treatment room. Thereby, there will be no material visual impact onto the existing neighbouring residential properties.

It is noted that within their consultation response, ADCAG stated that they assumed that Planners will have sight of the façade prior to a decision of this application, however, such details relating to the façade would be by way of either an advertisement consent application or a replacement shopfront application, which would be separate to this application. If the applicant were to submit either or both such applications, ADCAG would be consulted for their views at that time.

Recommendation

APPROVE

1. Approved plans
2. Standard time limit
3. Hours of use

Informative

1. Approved without amendments

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

Case Officer: Eve Hearsey Date: 13.12.2023

Authorised by: Peter Barnett Date: 13 December 2023