Development Control – Delegated Officer Report

Application Number: AWDM/1832/17 Recommendation – APPROVE

Site: 15 Buckingham Road, Shoreham-by-Sea, BN43 5UA

Proposal: Change of use from Office Use Class (B1) to Tattoo Studio Use Class (Sui Generis).

Date of site visit: 22.12.2017

Neighbours checked: Y

Additional neighbour notifications: N

Site, Surroundings and Proposal

The property is close to the town centre, and near to the railway crossing and Shoreham-by-Sea Railway Station. The application property is a two storey middle of terrace property. Details submitted show the ground floor only, therefore, the first floor does not form part of the application (first floor appears to be in residential use). The front of the property is hardsurfaced as are those of the neighbouring commercial properties, and appear to be used for car parking

The south section of the terrace has commercial uses on the ground floor, but the north section of the terrace, from no. 21, all appear to be residential.

The application seeks a change of use from a B1 use to a Sui Generis use, i.e. a use class of its own. In this instance a Tattoo Studio. The use would take place in the whole of the ground floor. The forms identify 1no. employee, and the hours of opening are indicated to be 1030 – 1800 Mon., Tues., Thurs., Fri and 1030 – 1700 Saturday.

At the time of site visit, the front of the property had been painted etc. and a fascia advertisement across the width stating 'TATTOO', the shopfront also had the words: 'Steve B, Artist, Oscar Jacks.'

Relevant Planning History:

SU/48/01/TP/19027 Change Of Use From Class A1 Shop To Class B1 Office (For Computer Website Design) **Permitted 26.03.2001**

NOTICE/0007/16 Application for permitted development for prior approval for change of use of ground floor office (Class B1) to residential dwellinghouse (Class C3). **Refused 09.06.2016**

Consultations:

Environmental Health
No comments to make with regard to the planning application

WSCC Highways
The current proposal is for change of use of office to Sui Generis use (Tattoo Studio). An inspection of local and WSCC mapping reveals that the existing dropped kerb frontage provides some off-street car parking. It is anticipated that an office use could generate more vehicle movements and that the off-street parking related to the Sui Generis use is anticipated to be in use for staff. In this town centre location where sustainable modes of transport are achievable it is anticipated that customers will arrive via foot or park nearby on street/ public car parks. There are comprehensive parking restrictions in the form of double yellows lines along Buckingham Road and nearby junctions. The LHA do not consider that visitor parking associated with the use could legally occur on street in locations that would be detrimental to highway safety.

No highway safety or capacity concerns to resist the application.

Representations: None received

Relevant Planning Policies
Adur Local Plan 2017: Policies 15, 11, 27
National Planning Policy Framework (CLG 2012)
National Planning Practice Guidance

Planning Assessment

The key issues are the effect on the residential and visual amenities of the locality.

Visual Amenity

Policy 11 – Shoreham-by-Sea states that:- *"within the secondary frontages of blocks 1, 7 and 8, the following uses will be acceptable at ground floor level, subject to other relevant policies: • A1 (shops), A2 (financial and professional services), A3 (food and drink), A4 (drinking establishments) A5 (hot food takeaways) and appropriate D1 (non-residential institutions) uses. Any other uses will be resisted."*

The site lies within the secondary frontage of Block 1. Clearly the proposed sui generis use does not strictly conform with Policy 11, but it must be pointed out that the existing use of the ground floor is Office use B1 which also does not conform to the identified uses within the policy designation.

Based on this knowledge, it would be appropriate to compare the proposed use against the existing use and the 'accepted' uses within the policy, and how it would relate to the wider area, not to mention the neighbouring (including first floor levels) residential properties.

The condition of the Office approval SU/48/01/TP states:- *"The premises shall be used only for office purposes and no other purpose within Class B1 Business 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) or for Shop purposes within Class A1."*

The applicant has submitted information regarding the previous use of the site back to the year 2001 when it was purchased and planning permission gained to use it as the office for operating as a web site design business. This involved the graphic design and development of web sites for a variety of clients who would come to the office to have their on-line businesses designed and managed by the applicant.

The applicant retired and the uses ceased from March 2017. The premises were marketed for 10 months but no serious interest, until the tattoo artist. The applicant also considers the use as a web designer and a tattoo artist are in a way not dis-similar as they both involve creative work and designs.

The proposed use will contribute to the vitality and viability of the shopping parade as there is expected to be a regular footfall to and from the premises, similar to a shop, health and beauty or A2 use. Consequently, while not a use explicitly recognised by Policy 11, it is not considered that the use will cause harm to the shopping function, viability or vitality of the parade.

There will be no alterations to the interior, and the hours of business are in-line with the hours that were worked.

It is considered that the new use will not look out of keeping within this commercial terrace, and there is parking to the front. Such a use should not be intrusive on any first floor residential use, and a condition limiting the hours of use as per those stated on the application form would be appropriate.

Residential Amenity

The most affected properties are those adjoining to the north and south, together with any first floor residential use above the use.

To the south is 'Yellow River' a Chinese take away on the ground floor and appears residential on the first. It is not considered that the Tattoo studio should adversely affect the amenities of the uses of that property.

To the north (no. 17) appears to be a residential dwelling; and to the north of that (no. 19 planning history indicates a fish and chip shop ground floor with residential flat above).

It is considered that the tattoo studio will not materially affect the neighbouring residential uses.

Recommendation

APPROVE subject to Conditions:-

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

Informative

1. Approve without amendment
2. This permission does not purport to grant consent for the advertisement already attached to the premises, which may need advertising consent in its own behalf.

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

Case Officer: Eve Hearsey Date: 19.01.2018

Authorised by: Peter Barnett Date: 19 January 2018