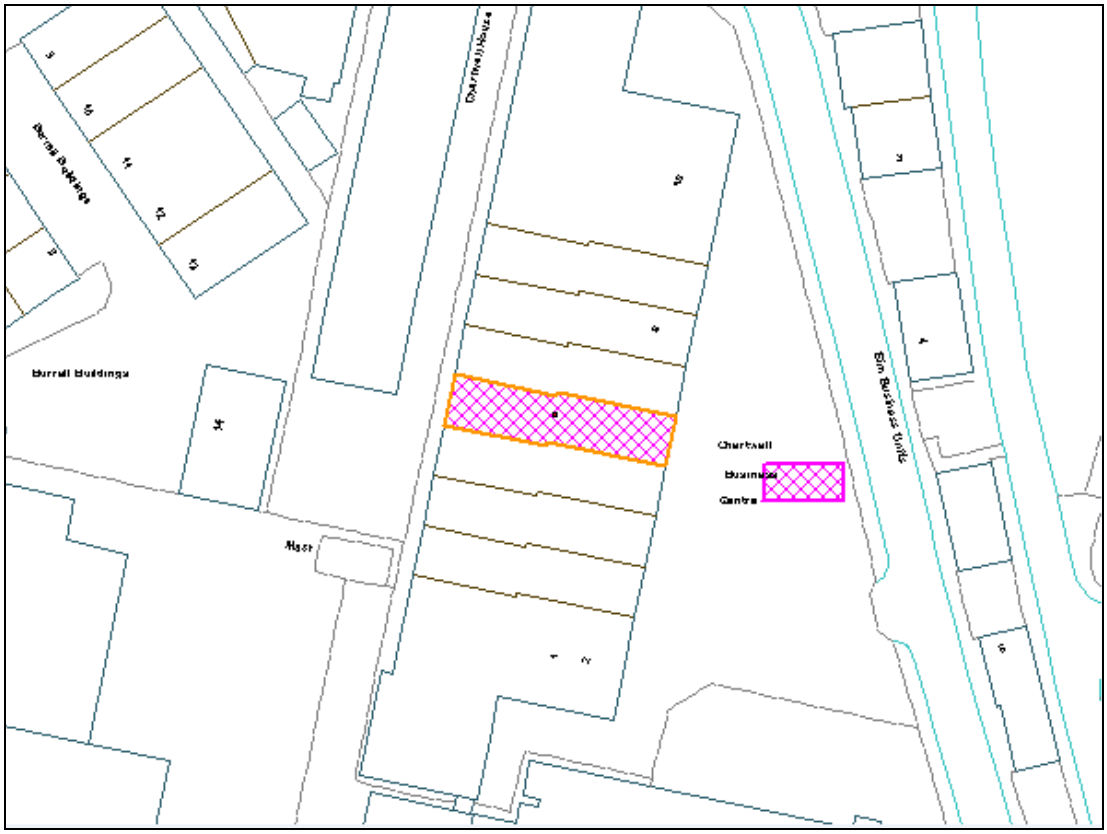
**Application Number: AWDM/0157/15** **Recommendation – Refuse**

**Site:** **Unit 6 Chartwell Business Centre 42 Chartwell Road Lancing Business Park**

**Proposal:** **Proposed change of use from Use Class B1/B8 (Business/Storage or Distribution) to Use Class D2 (Assembly and Leisure)**

Applicant: Mr Andrew Wicks – Zodiac Allstars
Ward: Churchill
Case Officer: Gary Peck




**Not to Scale**

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## Proposal, Site and Surroundings

The application relates to a light industrial unit within the Chartwell Business Centre on Lancing Business Park. The applicants, Zodiac Allstars, provide cheerleading training and practice and currently conduct this activity in unit 10 which it shares, this unit having secured change of use in 2008. The proposal would result in no external alterations to Unit 6 and would occupy the same space as at the present within the accommodation. One full time and 10 part time staff would be employed and the activity would take place from 4.30pm to 10.00 pm between Tuesdays to Fridays and 12pm and 8pm on Sundays. Up to 145 users attend the facility over with up to 65 users being present at any one time. A marketing report has been supplied with

the application setting out that there has been seven years of advertisement for letting space on the development. A car parking demand study has also been submitted with the application as well as a supporting statement letter from the Rodway Planning Consultancy and a supporting letter from Southcourt Property Management Ltd (property managers for the Chartwell business Centre).

**Relevant site history**

ADC/0255/06 - Sub-division of existing industrial building into 13 self-contained light industrial/warehouse units (Class B1/B8) with associated elevation alterations – Refused.

ADC/0480/06 - Alterations to convert factory into 11 units for Class B1/B8 (business/storage) purposes - Permitted.

Applications AWDM/1644/14 for Unit 9 and AWDM/1028/14 were approved at Committee for change of use from Class B2 Industrial to gymnastics facilities (D2) in units 7 and 9 respectively.

**Consultations**

***Adur and Worthing Councils***:

**Planning Policy**

**Key Issues / Policies**

**National Planning Policy Framework**
The NPPF states that 'where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits.'

**Adur Local Plan 1996**
The site is located within Lancing Business Park which is subject to policies AE2 and AE4 of the Adur Local Plan which support B1and B2 uses (as well as B8 uses where a development is comprised of a mix of B class uses). The policy does not support any other uses at Lancing Business Park.

**Proposed Submission Adur Local Plan 2014**
Policy 26 of the Proposed Submission Adur Local Plan protects Lancing Business Park for B1, B2 and B8 uses and allows no flexibility for other uses.
Please note that the Proposed Submission Adur Local Plan has now been published and should therefore be accorded some degree of weight in decisions on planning applications.

**Adur Employment Land Review 2014**
The Adur Employment Land Review 2014 specifically recommends that 'planning policy should support continued employment use of the Lancing Business Park, and progressive development for B1, B2 and B8 use.'

**Officer Comments:**

Although policies AE2 and AE4 of the Adur Local Plan are relatively permissive, they have been used successfully since 1996 to restrict non-B class uses at the various business parks in the district. In addition, the emerging Local Plan also seeks to resist non-B class uses at Lancing Business Park.

The NPPF states that 'where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits.' Lancing Business Park is a successful business area with a low-level of vacancies so it is highly unlikely that there is no reasonable prospect of using the site for B class uses.

The marketing report produced by Michael Jones for Unit 6 is quite vague and slightly misleading. Chartwell Business Centre offers 11 high quality employment units and nearly half of these are occupied for B class uses by a single occupier. Given the nature of the economy in Adur it was always unlikely that the new units at Chartwell Business centre would be occupied immediately but would instead fill up over time. It should also be noted that unit 6 has not been consistently vacant since the units were refurbished. Given that 5 of the units are currently in B-class use, it is clear that there is a reasonable prospect of the site being used for the allocated employment use so a refusal of planning permission for the proposal would not conflict with the NPPF.

While it is recognised that a significant number of representations in support of this planning application have been received and two D2 uses at Chartwell Business Park have recently been approved by the Council, there are no compelling planning policy reasons to approve this change of use. The proposal would conflict with current and emerging policy, advice in the Adur Employment Land Review 2014, and would result in the loss of high quality units for B-class uses which are essential for providing job opportunities in the district. As a result, the planning policy section would not support this planning application.

**Economic Development:**
Lancing Business Park (LBP) is the main employment location for Adur, offering 1,837,017sqft of employment floor space and home to more than 200 companies.

Chartwell Business Centre provides 10 modern, high quality, 3,800sqft industrial/warehouse units, with 5 of these units being occupied by one company who employ around 180 employees. Economic Development understand that Unit 6 is currently the only available unit at Chartwell Business Centre. Unit 6 has until recently been occupied and we understand this occupation will now transfer to the ground floor of Unit 5, with potential future introduction of B1 accommodation on the first floor. Please note that Unit 6 has a history of occupation and has only recently become available to the market.

Economic Development are aware that there is currently a very limited supply of industrial floor space in Adur and are struggling to identify suitable industrial

premises, to enable indigenous business expansion and inward invest. The Spring 2015 Commercial Property Register shows that:

- 98.6% of the total floor space on the LBP is occupied or under offer
- 99.7% of the Industrial/Warehouse floor space on LBP is occupied or under offer.

Please note that LBP has a one way traffic system with constant HGV movements and suffers from highways and parking issues. Chartwell Business Centre has a history of access and parking issues, predominately from 3.30pm onwards weekdays, with an influx of D2 user for Unit 10. Economic Development understands that the applicant is currently a sub-tenant of Unit 10 and therefore their movements are already present on the business park, however we also understand that Unit 10 has been joined with Unit 9 to accommodate expansion of the main D2 tenant and that this expansion will displace the applicant from Unit 10.

Unit 6 has 5 parking spaces allocated for its use and the application indicates that sessions will run with between 20 to 65 people being dropped off at any one time. Chartwell Business Centre has one access point with limited area for vehicles to queue. There is concern regarding the additional movements generated by the expansion of the D2 use in Unit 9 & 10 and the retention of the applicant's movements, as this could further exacerbate the access and parking issues already occurring at Chartwell Business Centre.

Economic Development are also concerned that a D2 use in Unit 6 could introduction considerable noise nuisance from general operation and music, which could impact any future B1 expansion onto the first floor of Unit 5.

Economic Development therefore objects to this application for change of use to D2, as it could impact the B1/B8 operations in Chartwell Business Centre and would further reduce the very limited Industrial/Warehouse floor space available on LBP and throughout Adur, which is needed to facilitate business growth and inward investment.

**The Senior Environmental Health Officer** has no objection.

**West Sussex County Council:** The Highway Authority raises no objection commenting:-

"The proposal to change the use of the existing B1/B8 storage unit to a D2 use for Zodiac All Stars Cheerleading Company has been considered by WSCC as the Local Highway Authority. WSCC raise no objection.

Unit 6 forms part of Chartwell Business Centre and is currently unoccupied. There is provision for 5 car parking spaces directly outside the unit, and use of a 61 space car park within the Business centre itself. Some of the units in the Business Centre have recently changed use from office use to assembly and leisure and Zodiac All Stars had until recently been operating out of one of these units.

Therefore the move to an independent unit will allow the company to continue to operate, increase the number of sessions it runs, and keep its members. Traffic movements associated with the cheerleading company are already experienced and as such will not increase.

However consideration has been given to the number of units in this Business centre that have changed from B1 to D2 use. A car parking demand survey undertaken on behalf of the applicant compared the different uses of each unit using a combination of TRICS data and manual counts from CCTV footage. The data reveals even at its busiest period the car park can operate well within capacity with 39 spaces plus available past 6pm in the evening (once all D2 use has been taken into account) which is when these businesses will operate. It was also evident that many trips were drop offs, easing the pressure on parking spaces.

This gives the council informed data confirming usage can be sustained for the future in terms of increased membership. Looking forward there are also additional parking areas 'on-street' in Chartwell Road and Elm Grove, and enforceable parking restrictions are in place to prevent any un-safe parking behaviour."

**Lancing Business Park:** Comments awaited

**Lancing Parish Council:** No objection

**Third Party Representations:**

325 individual emails of support received from private individuals and users of the current facility citing the health, fitness and other related benefits of the Zodiac Allstars centre, the enjoyment of the facility by the users, mainly children, and the need to maintain it.

Supporting letter from 'Sport Cheer' citing the beneficial aspects provided by the enterprise and the appropriateness of the use of the unit subject to the application.

**Relevant Planning Policies**

Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AE2, AE4
Proposed Submission Adur Local Plan (2014) Policy 26
National Planning Policy Framework (CLG 2012)

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 Chartwell Business Centre, Lancing which is subject to policies AE2 and AE4 of the Adur Local Plan which support B1and B2 uses (as well as B8 uses where a development comprises a mix of uses). The policy does not support any other uses. Policy 26 of the Proposed Submission Adur Local Plan also protects Lancing Business Park for B1, B2 and B8 uses with no positive policy provision for other uses. This policy must now be afforded considerable weight in decision-making as it has recently been approved by the Council for submission to the Planning Inspectorate.

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.

The application is accompanied by a marketing report from commercial agents. This does not relate specifically to the unit subject to this application but rather covers the wider development's marketing history over the past 7 years. The estate contains Wickers Gym (at Unit 10) and a go-karting facility elsewhere which the marketing report argues has set a precedent for non-industrial uses.

The report does not mention, however, that unit 6 had previously been occupied by RR Donnelly (the same B class user as for units 1-4) and that unit 8 has recently occupied by a company called Modern Grow which is also a B class user. Unit 9 for which planning permission was granted for Wickers gym to expand into was also previously occupied by a B class user.

The report states that 'in order to get rid of the last available unit' the landlord had offered more competitive lease terms as there had not been any take up by a suitable B class user. However, the fact that at the point the marketing report was written, occupation of the units was down to the last user and that, in the past, at least 7 of the units had been occupied by B class user does not suggest that there is no possibility of a further B class user coming forward to occupy the unit in compliance with Local Plan policy.

Your officers feel that the marketing report is therefore of limited assistance in demonstrating that a departure from policy should be accepted in this instance as there is no specific reference to this particular unit, the history of its occupation or the presence of other B1 units in close proximity.

Both the Planning Policy Officer and Economic Development Officer strongly object to the proposal and consider that the unit should be retained for industrial purposes, in accordance with the saved policies of the Local Plan and in compliance with the emerging Plan. The previous permissions for non-industrial uses should be seen as exceptions and do not set a precedent, particularly in view of the strong policy support for retaining industrial uses on this estate. It should be noted especially that the previous permission for the Wickers Gym on the same development was a relocation of an existing successful gym from another unit on the estate – the vacated unit reverted to business use (ADC/0305/10).

As such, therefore, the proposal is for an additional non-industrial use and quite clearly conflicts with existing and emerging Local Plan policy.

It is of course clear from the representations received that the facility is very popular and the application has accordingly attracted a great degree of support. It is also noted that the applicant has attempted to work with the Economic Development section to find alternative suitable premises. Apart from the Business Park, Shoreham Airport and Dolphin Road, change of uses of B class units are possible elsewhere in the District provided that the units are no longer suitable for B class purposes. It is acknowledged that it has been difficult to identify suitable alternative premises for the applicant as yet, although it should also be borne in mind that has been equally difficult to find suitable premises for various B class uses (either new or existing) across the District and the continued erosion of suitable premises, remembering that there already non B class units in this group of units, has continued to make this process even more difficult.

Members may wish to take into account that as the proposed user already shares unit 10, is a successful facility and has shown willingness to work with Council by granting a temporary permission as an exception to policy which would allow further work to be undertaken in the interim to provide a more appropriate solution.

Whilst the principle of the provision of further sporting and recreational facilities in the District is accepted, Local Plan policies require this to be in appropriate locations. There is an acknowledged lack of business floorspace in the District and overall, on balance, the loss of business space is considered to outweigh the need for the expansion of the gym in this instance.

**Accessibility and parking**

The parking provision is shown to be unchanged on the application form from the existing (albeit this appears to rely on spaces not specifically allocated to the subject unit) although it seems likely that the extended floorspace would result in a greater number of movements to and from the site. With regard to highways and parking considerations however, the response from the County Council Highways officer must be afforded due weight and therefore there can be no justification for sustaining an objection on these grounds.

**Recommendation**

**REFUSE** for the reason:-

The local planning authority is not satisfied that no effective demand exists or is likely to exist in the future to use the building for employment generating activities. Consequently, the proposed change of use of the unit to a non-business (Use Class B1, B2, B8) use would reduce the number of available business units and is likely to have a detrimental impact on the local economy in the longer term, contrary to saved policies AE2 and AE4 of the Adur District Local Plan, Policy 26 of the Submission Adur Local Plan 2014 and the relevant paragraphs of the National Planning Policy Framework which seek to support sustainable economic growth.