Development Management – Delegated Officer Report

Application Number: AWDM/1777/22 **Recommendation: Approve**

Site: **5A Brunswick Road, Shoreham-by-sea**

Proposal: **Change of use from Class E to a Nail Parlour (Sui Generis).**

Date of Site Visit: 7 November 2022

Neighbours Checked: Y

Additional neighbour notification: N

Proposal, Site and Surroundings:

The application relates to a vacant commercial premises in Brunswick Road. The site lies within the Shoreham Conservation Area and falls within the primary shopping area. It was previously in use as a shop selling gift cards.

It is proposed to change the use of the premises to a nail parlour which has been generally considered to be a sui generis use. However, there have been some appeal decisions which have described such a use as falling within Class E. This Class allows for 'any other services which it is appropriate to provide in a commercial, business or service locality,' which could be said to include nail bars.

Planning History:

SU/165/85 - Change Of Use From Building Society To Shop And Store Room.

Consultations:

Adur and Worthing Councils: Public Health: No objections

ADCAG: Approve

Representations

None received

Relevant Planning Policies

Adur Local Plan 2017 Policy 11, 27, 34
National Planning Policy Framework (July 2021)
WSCC Guidance on Parking at New Developments (Sept 2020).

Planning Assessment

Principle

Policy 11 of the Local Plan allows for:

Within the primary frontages of blocks 2, 3, 5 and 6 the following uses will be acceptable at ground floor level, subject to compliance with other relevant policies:
A1 (shops).
A3 (food and drink)
and appropriate D1 (non-residential institutions) uses where there is a long term vacancy (normally a minimum of 1 year) and reasonable attempts have been made to sell or let the premises for A1 use.
Any other uses will be resisted.

The Use Classes have been amended to include a wide range of uses within a new Class E and these include;

Use, or part use, for all or any of the following purposes—
a) for the display or retail sale of goods, other than hot food, principally to visiting members of the public,
b) for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises,
c) for the provision of the following kinds of services principally to visiting members of the public—
(i) financial services,
(ii) professional services (other than health or medical services), or
(iii) any other services which it is appropriate to provide in a commercial, business or service locality

It is considered that nail parlours are well established features of modern high streets and they align with the purpose of the Use Classes overhaul in September 2020, which aimed to better reflect the diversity of uses found on high streets and in town centres and to provide the flexibility for businesses to adapt and diversify to meet changing demands.

It is not considered therefore that there is a policy concern with this proposal as it is considered to be appropriate in the town centre.

Visual amenity

The application is not proposing any external changes to the building.

Residential amenity

An air quality plan has been submitted which explains that " a specially designed extraction system for the beauty and cosmetic industry will be used to extract and

remove potentially harmful fumes and airborne dust generated within the nail salon environment."

This does not involve any external vent. Public Health are satisfied with the proposal and have no objections.

The proposed use is not considered therefore to have an adverse impact on amenity.

Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans
2. Standard 3 year time limit

Is recommendation contrary to letter(s) of representation N

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: 1 December 2022

Authorised by: Gary Peck Date: 1 December 2022