Expiry: 30/11

Development Control – Delegated Officer Report

Application Number: AWDM/1299/23 Recommendation: Grant

Site: 5 Portland Square, Worthing

Proposal: **Proposed change of use to nail and beauty salon (sui generis) from Use Class E**

Date of site visit: 6/11

Neighbours checked: y

Additional neighbour notifications: n

Site and Surroundings

This application relates to a mid terraced former retail unit on the west side of Portland Square. To the north is a bubble tea shop and to the south a sushi bar take away. Above is a firm of solicitors that spans much of the upper floor.

This row of units sits well back from the road behind a recently upgraded shared forecourt with bench seating. The parade is identified in the local plan as a secondary frontage in the Worthing Town Centre Primary Shopping Area.

The site is not in a conservation area and is not a listed building.

Proposal

Permission is sought to open a nail bar which will offer manicures, pedicures and nail art. Four acrylic nail tables and two pedicure massage chairs are proposed.

It is proposed to open 6 days a week, 9am to 6.30pm.

Acrylic powder and acrylic gel will be used on site and the accompanying supporting statement says 'multiple appropriate air purifiers' will be installed to ensure 'clean air and a pleasant odour, while customer health and wellbeing is our top priority.'

Subsequent information supplied by the applicant and received 16/11/23 elaborated on the intended ventilation as follows:

'Regarding our ventilation system, we will apply and install a "3 ways ventilated operation" in which include traditional (natural) ventilation, professional air purifiers for nails salons and finally a local exhaust ventilation that is pre-installed into each of our acrylic table.

Natural ventilation
The premised already has duct and holes for extractor fan from the previous business at the front and back walls of the building so we are going to make use of that and install.an efficient

an quite ventilation extractor that would allow us to control airflow in-and out of the shop to bring in fresh air. The system we choose will be from Ezone, it is a commercial system that is suitable for restaurant, salon and warehouse. Please find the compose manufacturer specifications I have attached on this email, this ventilation system will be install by a certified engineer.'

Relevant Planning History:

None.

Consultations:

Highways: No objection

Health:

I am satisfied that the proposed ventilation will be sufficient in ensuring that there is adequate airflow and also will not pose a nuisance to the surrounding residents. Please see my full comments below:

- Works of construction or demolition, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times.

Monday - Friday 08:00 - 18:00 Hours
Saturday 09:00 - 13:00 Hours
Sundays and Bank Holidays no work permitted

The council shall be satisfied that the separation between the ground floor unit and the first floor residential property is properly sealed in order to reduce the likelihood of residual odours affecting adjacent amenity. In order to achieve this the following should be incorporated into a condition to any permission granted.

The ground floor commercial use the subject of this application shall not be occupied until a scheme for sealing the separation between the ground floor and the first floor property above has been fully implemented. Following implementation of the scheme, a test shall be undertaken to ensure the scheme prevents residual odours from entering the first floor property.

Private Sector Housing: No objection

Representations: None received.

Relevant Planning Policies

Worthing Local Plan policies (WBC 2023): SP1, DM5, DM13, DM22
National Planning Policy Framework (HCLG 2023)
National Planning Practice Guidance
SPG 'Extending or Altering Your Home' (WBC)

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Planning Assessment

There is no objection in principle to town centre supporting uses with active frontages will generally be acceptable in secondary frontages.

The key considerations in this case are the effects of the proposed use on the vitality and viability of the centre and neighbour amenity form odours.

Retail

Policy DM13 states that uses which support the function of the town centre will be supported. In secondary town centre parades it states:

Secondary Shopping Frontage (SSF) - a wider range of uses will supported provided they are active uses with active shop fronts that will enhance the vitality and viability and complement existing uses. However, uses such as takeaways and uses with closed and inactive street frontages will be resisted;

The proposed use will have an active frontage and will complement the other uses in the parade. It will not detract from the vitality or viability of the town centre.

Neighbour Amenity

The unit has a solicitor's office use above and other town centre uses either side. No residential neighbours will be affected. Environmental Health has requested a condition to ensure the ceiling is properly sealed prior to first use to prevent odour escaping into the upper floor. This has never been requested before for such uses and Public Health is satisfied with the proposed ventilation. Therefore, in the interest of proportionality it is recommended that an informative only be added to this decision suggesting to the applicant that the ceiling is inspected and sealed, where necessary, prior to first use to avoid odour nuisance.

Users

Environmental Health is satisfied that the proposed ventilation is adequate and staff and users will be safe from fumes.

Recommendation

APPROVE subject to Conditions:-

1. Drawing Numbers
2. Standard time limit
3. Hours of opening 9am – 6.30pm Mon to Sat only
4. Ventilation in accordance with email dated 16/11 prior to first use and retained

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Informative

1. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. To avoid odour nuisance to the upstairs occupiers you are advised to inspect the ceiling between floors and seal any gaps identified prior to first use as a nail salon.

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

Case Officer:	MOK	Date:	5/1/24
Authorised by:	Jo Morin	Date:	05.01.2024