# Development Control – Delegated Officer Report

**Application Number: AWDM/0724/17 Recommendation – APPROVE**

**Site: 82 Manor Road, Lancing, BN15 0HD**

**Proposal: Change of use from Use Class A1 (hairdressers) to healthy living centre to offer consultations on health and fitness with opening hours of 9am to 8pm Monday to Friday and 9am to 1pm Saturdays, Sundays and Bank Holidays.**

**Date of site visit:** 23.06.2017

**Neighbours checked: Y**

**Additional neighbour notifications: N**

**Site and Surroundings**

The application relates to a middle of terrace, vacant, ground-floor commercial unit within a 2 storey building, residential being on the first floor. There are a group of 8 no. in total in this purpose built block, 6no. in a terrace with a parking area directly to the front of the shops and 2no. as semi-detached slightly separated from the terrace and customers use the same car parking area.

The 2 no. semi-detached pair are in use as a newsagent and a Chinese take-away. The terrace of 6 no. are/were in no. 86 art framing (vacant); 84 Chartered Accountant; 82 Hairdressers; 80 toy model shop; 78 Chip shop; and 76 flooring

The area around this small shopping parade is residential.

**Proposal**

Permission is sought for a change of use from retail (A1) to a healthy living centre to offer consultations on health, and fitness.

The opening times proposed will be 0900 – 2000 Monday to Friday and 0900 – 1300 Saturdays, Sundays and Bank Holidays.

**Consultations:**

***Policy:***

The site lies within the Built Up Area Boundary of Lancing, and within the Manor Road local shopping parade, as defined by the Submission Adur Local Plan (2016). This same area is also designated as a retail parade in the adopted Adur Local Plan (1996).

Policy AS5 of the adopted Local Plan therefore applies. This states that in such areas the Council will seek to retain a predominant A1 retail use; proposals for non-retail at ground floor will be treated on their merits, and will be assessed in relation to the need for the proposed use compared to retail use of the premises concerned.

Policy 28 of the emerging Adur Local Plan also applies. This 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.'*

I presume the proposed use falls into either D2 use class, or sui generis use – therefore not retail. The issue therefore is whether the test above should be applied.

The information passed to me appears to indicate that the majority of units in this parade are either currently, or formerly, in retail use, and therefore I consider this complies with the policy requirement for 'predominant' retail use; as such, it is not necessary to apply the test of Policy 28.

With regards to Policy AS5, the fact that this unit may already be vacant may indicate there is little demand for this type of use in this location. (Furthermore it appears there is another vacant unit in this parade, which indicates the parade itself may be struggling).

The proposed use would bring result in increased movements in/ out of the unit, and therefore make a positive contribution to the vitality and viability of this parade; as a result there is no policy objection.

***WSCC Highways:***
*'No objection is raised. No alterations to the highway are proposed and the change of use will not have a material impact on trip generation'.*

***Environmental Health:***
Condition:
*'The use hereby permitted shall include the sound insulation scheme to protect the above residential property. The scheme shall achieve a minimum airborne sound insulation value of 45dB(DnTw + Ctr dB). Following implementation of the insulation scheme, a test shall be undertaken to demonstrate that the attenuation measures carried out has achieved the minimum airborne sound insulation* criteria. *The use of the development shall not commence until test results, demonstrating the minimum sound insulation criteria has been submitted to and approved by the Local Planning Authority.'*

***Lancing Parish Council***:
No objection

**Representations:** Support from:- 55 Broadbridge Heath, Horsham; 1A Mash Barn Lane; 6 Culver Court, Culver Road; 2 Fairview Gardens, Fairview Road

- Training has transformed my life
- One to one coaching in a quiet environment which unlikely to get in a busy gym
- Applicants driving interest is to improve people's lives
- What Mark is doing is vital for the local community as it improves people's lives
- A healthy living centre would be a great use of the commercial space
- A healthy living centre is an excellent resource for the community. Many people do not like to access big Gyms and benefit from on to one consultation. Service includes diet, nutrition, advice and one to one support. It sets a visible example to the community and puts healthy lifestyles in the forefront of peoples mind having a building within the community
- In my opinion there would be no increase in noise to the current use less traffic and has restricted hours that will not impact on local residents
- Has an excellent reputation locally for his health and fitness experience and knowledge
- He offers a personal 1 : 1 service in a relaxed manner
- Vehicle parking is not an issue and will therefore attract others from the surrounding area.
- A ladies fitness centre has only recently closed in this area and was a welcome addition to the parade of shops in Manor Road

Objection from:- 84A Manor Road

- I have small children
- You can hear all noises from shop downstairs and both adjoining flats and having the use late in the evenings will cause disturbances for my children when they go to bed.
- The noise from clients customs entering a leaving will cause increased noise level and any music which may be played will travel through into our flat
- Open 7 days a week will not give us any quiet time, as none of the other shops are open 7 days a week and this shows consideration for the occupiers and owners
- We all have families and work and need the time to rest and relax to in our own properties without having increased noise levels outside our front room and bedroom windows and traveling through the ceiling of the shops and adjoining walls as there is no proper sound proofing.

**Relevant Planning Policies**

Saved Local Plan policies (ADC 1996): AG1, AH7, AS5
Submission Adur Local Plan 2016: Policy 15, Policy 28
National Planning Policy Framework (CLG 2012)
National Planning Practice Guidance

**Planning Assessment**

Taking account the comments of the Policy Officer, there is no conflict with either existing or emerging Local Plan policy and the resulting increased movements and footfall would make a positive contribution to the vitality and viability of this small parade.

The key concerns are the effects on the neighbouring residential properties and visual amenities of the locality.

***Visual Amenity***

Physically the building will not be altered, other than the tinting of the shop window. This is proposed so as to provide privacy to the users within.

The use as proposed would see a customer, or a small group of 2 – 4 people, visit the site (by appointment), and receive counselling and or training/coaching regarding health and fitness. The training may well be exercise possibly with the inclusion of certain tools such as the use of a Swiss ball (an exercise ball, which is constructed of soft elastic with a diameter of approximately 350mm to 850mm and filled with air.) dumbells up to 10kg, treadmill, rowing machine, stationary bike, yoga/pilates mat, medicine balls, (a large, heavy, solid ball thrown and caught for exercise.)

This use will all take place within the building and is envisaged by the applicant to be a fairly quiet use, however, as the building was constructed with little or no soundproofing, Environmental Health will require some soundproofing to be put in place prior to the use taking place.

The hours of use are reasonable, and comparable to the successful operation of a retail use, a condition maintaining these hours would seem reasonable.

***Residential Amenity***

The first floor of the property is within an independent residential use, and a representation has been submitted to say that there is no existing sound-proofing between the ground and first floors. Accordingly, Environmental Health have been consulted over the proposed use, and they suggest a condition be imposed on any approval requiring soundproof to be put in place prior to the use first taking place. This is considered appropriate, and when in place should prevent noise transference, thereby safeguarding the existing residential amenities of the first floor residential accommodation.

**Recommendation**

**APPROVE**

1. Approved plans
2. Standard time limit
3. Soundproofing
4. Window
5. Hours of use
6. Restrict use

***Informative***

1. Approved without amendment

**Is recommendation contrary to letter(s) of representation? Y**

Case Officer: Eve Hearsey Date: 30.06.2017

Authorised by: Jo Morin Date: 11.07.2017