

Supporting Statement/ Planning Report

To ARUN DISTRICT COUNCIL

Applicant Mr Ross Elliott

Agent Sean V Silk MRTPI,
Planning Consultant, Blake Morgan

Subject Unit 2, Phoenix Parade, Artex Avenue,
Rustington, Littlehampton, BN16 3LN

Proposal Change to Class D2 Health & Fitness Centre

Date August 2018

1 INTRODUCTION & PROPOSAL DETAILS

- 1.1 Mr Ross Elliott ("the Applicant") has entered into a lease of Unit 2, Phoenix Parade, Artex Avenue, Rustington, Littlehampton, BN16 3LN ("the Property"), with an intention to use the Property as a health and fitness centre ("the Proposal").
- 1.2 The Property comprises a main hall area approximately 500sqm in extent, alongside a 100sqm ground floor reception area and first floor office, also approximately 100sqm in size. There are to be no external alterations to the Property. The main hall area is to be split into four sections to provide changing rooms and a dedicated mat area alongside a gym area itself. The reception area is to be retained but the first floor space is to be changed to provision of two treatment rooms, ancillary to the fitness use.
- 1.3 The main gym area will provide high quality cardio machines, weight/resistance machines and free weights. Providing something for everyone, every member will receive a free induction service and be offered regular update sessions and be free to ask questions and develop training plans to suit their goals and needs. Personal Trainers would also be welcome to attend with their clients where the client is a club member.
- 1.4 The dedicated mat area will be available to a variety of clubs and specialist classes. These include: Judo, Brazilian Jui-Jitsu, Karate, Taekwondo, Yoga, Pilates, Bootcamp Hiit training and disability/injury rehabilitation. The two ancillary treatment rooms will be for sports massage, physiotherapy and other sport-related rehabilitation.
- 1.5 The Proposal will generate 9 direct full-time jobs for members of staff, with a further 20 – 25 people benefiting indirectly from the Proposal, including Personal Trainers, Class Teachers and Sports Injury Therapists.
- 1.6 The Proposal constitutes a change of use of the building from the lawful use of the Property as a Class B1(c) light industrial unit and, until very recently, a *sui generis* dog day care centre and boarding facility.
- 1.7 The Applicant has instructed Sean Silk of the Blake Morgan Planning Department ("the Agent") to prepare and submit a planning application seeking approval for the Proposal. This Supporting Statement/Planning Report has therefore been prepared to accompany the planning application. It sets out the planning and case history and then discusses the key issues before providing a summary and conclusions.

Planning Policy

- 2.1 The parade of units within which the Property sits were built for the purpose of light industrial units under Use Class B1(c). The relevant policy position for such areas is Policy EMP DM1 of the July 2018 Local Plan prepared by the local planning authority for the area, Arun District Council ("the Council"), along with national planning policy set out in the National Planning Policy Framework ("NPPF"), originally from 2012 and now the revised 2018 version.
- 2.2 Local Plan Policy EMP DM1 states that the Council will "...seek to protect and enhance existing employment sites and premises...where there remains a reasonable prospect of employment use..." This is with the stated intention of maintaining "...a supply of good quality commercial sites and premises to meet the needs of businesses and the local economy..." The policy allows changes from B-Class use to "...similar sui generis uses..." Changes to other non-commercial uses will then be permitted only if it can be demonstrated that "...the site is no longer required and is unlikely to be re-used or re-developed for industrial/commercial purposes..." This is to be shown by the results of an active marketing campaign of the site for a "...reasonable period..."
- 2.3 In terms of the NPPF, this seeks to ensure that the planning system supports sustainable economic growth, applying a flexible approach to the use of existing buildings and land.
- 2.4 In this case, the Proposal seeks to change the use of the Property from former Class B1(c) and sui generis uses to a commercial business use that falls within Use Class D2. This follows a robust marketing campaign that has been active since the former use ceased earlier this year. This is deemed to be in accordance and compliance with Local Plan Policy EMP DM1 and the NPPF.

Relevant Planning History

- 2.5 Faced with a need to be realistic about such units and commercial business areas as a whole and their future use, brought in with the 2012 NPPF, the Council granted permission on 7th March 2014 to change the use of the Property from B1 (Business) to use by Paws Play & Stay Ltd as a dog day care centre and boarding facility (Ref R/237/13).
- 2.6 The dog day care centre and boarding facility ceased trading earlier this year. It was identified in the approval as sui generis (without a specific use class) but was a use akin to Class D2.
- 2.7 The wider area is a mix of use classes, many a change from the original Class B1 use. In addition to the changes at the Property, these include: a post office sorting office, a petrol filling station, various DIY trade outlets and counters (Topps Tiles, Screwfix and Yes Electrical Extreme Tyres), a crèche/nursery, a fostering outlet and cheerleading facility (Outlaw All-Stars). Also, importantly to this Proposal, a Class D2 gym and leisure sports facility (Council Reference R/27/11) at Unit 2 Nairn Business Centre, granted planning permission on 15th April 2011, albeit now ceased trading.

- 2.8 Taken together, it is clear that the Council accepts uses in the area wider than Class B1(c), reflecting market demand and noting that non-B Class commercial uses still generate employment for the local economy, particularly where they offer services and facilities for the local population.
- 2.9 It is important to note this pragmatic approach, notwithstanding Local Plan Policy EMP DM1. As a starting point this seeks to protect employment-generating land to alternative uses. It is therefore important to note the commercial nature of the Proposal, generating 9 full-time direct posts and 20 – 25 indirect employment positions. It will also provide a further venue for existing sport and fitness instructors from which to offer their services and classes.
- 2.10 This is to be read against a complete lack of demand from the market to use the Property for its original intended light industrial use: the Property has been marketed actively for more than a 6-month period for a commercial use, with no interest shown to take on the Property for a Class B-Use. It is also noted that there are currently 15 industrial properties to let within little more than a 5 kilometre radius of the Property.
- 2.11 For the reasons set out, the Proposal meets the requirements of Local Plan Policy EMP DM1 and the NPPF, bringing a commercial use into the Property for which there is no demand for a Class B1(c) use.

Principle, Planning Policy and Land Use

- 3.1 The preferred use for the Property is as a Class B1 use which, given its layout and structure, means a Class B1(c) light industrial use. The marketing campaign that was carried out prior to occupation of the Property by the dog day care centre and then subsequently following its closure earlier this year has demonstrated robustly that no potential tenant exists that falls within Class B1(c). In such circumstances, Local plan Policy EMP DM1 directs that an alternative, commercial/*sui generis* use should be considered before allowing loss to A-Class Retail or C-Class Residential uses.
- 3.2 Given the above, the number of jobs created and important benefits to be brought to the local community, the Proposal and a D-Class use is deemed to be wholly appropriate for the Property, in terms of principle, planning policy and land use. This appears to be supported by the Council, noting the former approvals for this Property and others nearby.

Other Material Considerations and Public Benefits

- 3.3 **Demand:** There is a lack of provision of health and fitness centres in the area. The existing provision is limited to a small gym ancillary to the Littlehampton swimming centre which can only serve a small number of members. This is in an area that has grown considerably over recent years and will continue to do so into the future, noting the 'direction of travel' for planning policy in the area and accommodating housing need.
- 3.4 **Staff and Jobs:** The number of staff, 9 direct full-time and 20 – 25 indirect positions, will be similar to the theoretical number of jobs potentially generated under a B1(c) use (28, based on one per 25sqm of floorspace). However, there is no demand for such uses and the Proposal will generate a number of jobs far in excess of those created by the former use as a dog day care facility or the other gym approved in the area that was (now ceased trading) more targeted to strength training. In addition, the Applicant offers staff and member training and welcomes hosting specialist trainers in the area, including pilates and yoga.
- 3.5 **Parking and Accessibility.** Extent of car parking available for the former uses will remain unchanged and not be exceeded by the Proposal, principally because the envisaged client base wouldn't drive to the facility but walk, cycle or use public transport which would be encouraged actively by the Applicant. Furthermore, experience of operating such facilities shows that evening visitors tend to car share.
- 3.6 **Opening Hours:** The opening hours will reflect and not extend beyond those of nearby uses, including the petrol filling station, the former Naim Business Centre gym and the former dog day care use. The Applicant is content to discuss this but it is envisaged therefore that the opening hours will be 0530 – 2230 daily.
- 3.7 **Noise:** A noise condition will be acceptable to the Applicant, noting the condition imposed upon the former dog day care permission requiring submission of an acoustic report which was submitted subsequently (Ref R/154/14/DOC).

Balancing Material Considerations

- 3.8 A Class B1(c) use cannot be identified for the Property. An alternative commercial use that falls outside of those in A- or C-Class uses is to therefore be supported, especially where this meets a strong local demand and generates jobs for the area.
- 3.9 Any potential concerns on the amenity of the area arising from noise or traffic can be controlled and enforced through the imposition of appropriate conditions upon any planning permission.
- 3.10 The Proposal is therefore commended for support and approval, representing an appropriate use of the Property in the current market-place.

4 SUMMARY AND CONCLUSIONS

- 4.1 The Applicant is seeking to use the Property as a health and fitness centre. Such a use falls within Class D2 and as such requires planning permission to change from its historic and past Class B1(c) and *sui generis* uses.
- 4.2 There is no demand for a B1(c) use in the Property, as demonstrated by marketing, existing vacancies in the area and all demand manifested relating to non B-Class or *sui generis* commercial enterprises. Instead and as an alternative use, the Proposal will generate a significant number of full-time jobs and provide a valuable local facility for which there is significant and growing demand.
- 4.3 The commercial nature of the Proposal sits within and is aligned with the aspiration of both Local Plan Policy EMP DM1 and the NPPF. It also brings substantial benefits to the public and, applying a balance to all material considerations, the Proposal is therefore commended to the Council for support and approval in due course, with conditions imposed in relation to *inter alia* opening hours and noise.