

Site Address: 12 Greywell Road, Havant, PO9 5AL
 Proposal: Change of use from Class A1 to Sui Generis (Tanning Salon).
 Application No: APP/17/01028 Expiry Date: 08/12/2017
 Applicant: Mr Bills
 Agent: Case Officer: Tina Pickup
 Ward: Battins

Recommendation: **GRANT PERMISSION**

1 Site Description

The application site comprises a ground floor, mid terrace retail unit, located on the eastern side of Greywell Road within the pedestrianised designated District Centre of Leigh Park. The unit is currently vacant, however the fascia sign that remains displayed to the principal elevation indicates that the previous use was as a butchers and bakers ie an A1 use. There is a galvanised roller shutter protecting the shop front. The site falls within a Secondary Frontage as defined by Policy AL3.

The principal elevation of the row of retail units is set back beneath a canopy. There are first floor residential flats above, accessed from the rear via Bordon Road. The unit to the north is the South Downs learning centre library; to the south the adjacent unit is also currently vacant (former tv/satellites A1 unit). Opposite is a large combined unit of Savers (A1) and the Sue Ryder charity shop (A1).

2 Planning History

None relevant

3 Proposal

Change of use from Class A1 to Sui Generis (Tanning Salon).

The proposal is for a manned tanning salon with internal booths. It is proposed to open between 9am to 9pm Monday to Friday and until 7pm on Saturdays, with 10am to 4pm on Sundays. Staffing would be between 1 and 3. There is no change to the external appearance of the shop front proposed.

4 Policy Considerations

National Planning Policy Framework
Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS4	()
CS6	(Regeneration of the Borough)
DM2	(Protection of Existing Community Facilities and Shops)

Havant Borough Local Plan (Allocations) July 2014

DM21	(Shopfronts, Signs, Security Shutters and Advertisements)
AL3	(Town, District and Local Centres)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Crime Prevention

None received

Economic Development

Economic development raise no objections to this proposal

Environmental Health Manager

None received

Highways Engineer, Development Engineer

The Highway Authority have no adverse comment to this application.

Planning Policy

Policy Status: The Local Plan (Core Strategy) and the Local Plan (Allocations), together with the Hampshire Minerals and Waste Plan provide the development plan for the borough. In addition, the Local Plan Housing Statement (LPHS) and its guiding principles, adopted December 2016, is also a material consideration.

The following policies are of particular relevance:

- ☐ CS4 – Town, District and Local Centres
- ☐ CS6 – Regeneration of the Borough
- ☐ CS17 – Concentration and Distribution of Development within the Urban Area
- ☐ DM21 – Shopfronts, Signs, Security Shutters and Advertisements
- ☐ AL2 – Urban Area Boundaries and Undeveloped Gaps between Settlements
- ☐ AL3 – Town, District and Local Centres

Principle of Development:

The site lies within the urban area as defined by Policies CS17 and AL2 of the Local Plan which seek to concentrate new development within the five urban areas of the borough. With this, the site falls within the Leigh Park District Centre as defined by Policies CS4 and AL3. These policies encourage appropriate town centre development proposals which support small and independent businesses. Moreover, Policy CS4 specifically seeks to promote the vitality and viability of the identified town and district centres. Criterion 2) of Policy CS4 also supports proposals which enhance the evening economy of the designated centres.

As specified in paragraph 3.45 of the Local Plan (Core Strategy);

Leigh Park District Centre is *‘a vulnerable centre in need of regeneration with a high vacancy rate, which has become a less attractive place for people to visit and businesses to invest in’*.

The regeneration of the centre needs to improve the quality of commercial uses (along with public realm and highway improvements). Policy CS6 states that planning permission should be granted for development which positively contributes by type of

use, design, and its comprehensive approach to the social, economic and/or physical regeneration of the borough. Within this, a particular focus placed on Leigh Park Centre is the need for a sustainable mix of uses (criterion 3a of Policy CS6).

As specified in paragraph 2.13 of the Local Plan (Allocations);

“The primary shopping area is defined by the primary frontages, plus those secondary frontages that are connected without a break to primary frontages”.

With this, the site is located in the secondary frontage within the primary shopping area, as identified in Policy AL3. As such, criterion 4) of Policy AL3 applies.

However, the vacancy rate of Leigh Park District Centre is 21.18% as of July 2017 (compared to the UK national vacancy rate of 9.6%; and South East vacancy rate of 7.1%). The applicant has also informed the Council that the site has been unoccupied for almost 2 years. As specified in paragraph 2.15 of the Local Plan (Allocations);

“A large number of empty shops may indicate that a centre is in decline and in need of change to adapt to the future”

and;

“The exemption clause in Policy AL3 applies to change of use applications in centres where there is a significant number of vacant units”.

As such, it may be appropriate to allow a change of use from a Land Use Class A1 to a Sui Generis use in order to keep vacant units to a minimum in the primary shopping area. It may, therefore, be more appropriate to allow a non-A1 use to occupy a unit than for the unit to remain vacant.

Marketing:

For proposals on sites involving shops in the primary and secondary retail frontages, a marketing exercise for a minimum of 12 months should be conducted. The marketing exercise should be used to meet criterion 1) of Policy DM2 to demonstrate that the premises or land is no longer viable for its authorised use.

Nevertheless, the Planning Policy Team believes that a departure from Policy DM2 may be appropriate, as material consideration should be given to;

1. The Leigh Park Centre vacancy rate of 21.18%; and
2. That the site has been vacant for almost 2 years.

Parking:

Policy DM14 and the Havant Borough Parking SPD (July 2016) set out the minimum parking standards for new development in the borough (excluding residential).

However, as the site is situated within the pedestrianised section of Leigh Park District Centre; this policy and SPD will not apply as the district centre is well served by car parks off Bishopstoke Road and Tidworth Road.

Flooding:

The site is not identified as flood zone 2 and/or 3.

Shopfronts and Signs:

Policy DM21 seeks to ensure that new shopfronts and signage are not detrimental to the appearance of the individual building or the street scene. A particular consideration in the determination of this application should therefore be the design of the shopfront.

As the site is located in the primary shopping area (please above), criterion 6) of Policy AL3 and paragraph 2.16 of the Local Plan (Allocations) will also apply.

Community Infrastructure Levy (CIL):

As the application is for a change of use from Land Use Class A1 to Sui Generis, the development will not be CIL liable and will not have to pay the Solent Recreation Mitigation Partnership (SRMP) contribution. Therefore, Policies CS21 and DM24 do not apply.

Recommendation: No objection in principle.

6 **Community Involvement**

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 17

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 0

Comment	Officer Comment
None received	

7 **Planning Considerations**

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
 - (ii) Impact upon the character and appearance of the area
 - (iii) Impact upon residential amenity
- (i) Principle of development

The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. Being within the Leigh Park District Centre policies CS4 and AL3 are relevant which encourage appropriate town centre uses and policy CS4 promotes the vitality and viability of the district centre. Policy DM2 requires appropriate marketing to be undertaken before change of uses or loss of shops is considered.

It is understood that the unit has been empty for about 2 years, but no marketing information has been submitted. However it is noted that the current vacancy rates of Leigh Park District Centre is 21% compared to a national average of 9.6%. To avoid unnecessary vacancy rates policy AL3 does allow for exceptions for changes to non-retail units if there are high vacancy rates at the time of the application. The supporting text to policy AL3 states *"It is particularly important to keep vacant units to a minimum in the primary shopping area. It may be more appropriate, therefore, to allow a non-retail use to occupy a unit than for it to remain vacant, particularly if surrounded by other empty shops"*. For the purposes of this application, although the unit is located within the 'Secondary frontage', the definition of 'Primary shopping area' includes primary frontages plus secondary frontages that are connected without a break to primary frontages. Therefore the site falls within the Primary Shopping Area where the aim is to minimise vacant units and encourage uses that compliment the area and contribute positively to the vitality and viability of the centre. The supporting text states: *"Shopping has become more of a leisure pursuit and shoppers expect other amenities such as cafes and restaurants which complement the retail offer. As a result, businesses will be encouraged to take*

up units in primary shopping areas that will contribute positively to the vitality and viability of the centre, even if the proposed use is not retail."

The proposal is for a tanning studio which would operate akin to a retail unit, similar to a hairdressers offering a service for local customers. The applicant states that customers would either have appointments or could come in on a walk by basis, and that a range of tanning products would also be sold. It is hoped that the service will supplement the nearby gyms with shared customers. The applicant has also confirmed that the shop display window would be retained and used to display the retail products and services and offers - this can be conditioned to be provided and retained.

It is therefore considered that whilst a Sui Generis use which results in the loss of an A1 unit, in this instance the operation of the business would be similar to an A1 retail unit and appropriate for a town centre, offering a service to compliment the shopping area. The fact that a unit would be put back into an active and appropriate use and offer an alternative service for local customers would enhance the centre. Therefore it is considered that in this case, there are material considerations sufficient to outweigh the need for the marketing evidence. There is no objection in principle to the change of use from an A1 unit to a sui generis tanning studio.

(ii) Impact upon the character and appearance of the area

The fact that there will be no change to the shop front and the intention is to retain a 'shop' display keeping the frontage attractive to passers by, will ensure that visually the retail character of the site will remain appropriate to the character of this shopping area. The proposal does not include details of any future fascia advert, which may well benefit from deemed consent. However the applicant has previously enquired under a GEN about adverts and been advised of the relevant criteria. An Informative can be added to advise the applicant to check whether separate advertisement consent is required.

(iii) Impact upon residential amenity

The residential units above the site should not be unduly impacted. The comings and goings to this one unit within a recognised and busy district centre would make only a marginal difference to the noise and disturbance within the area where other late night activity occurs. The hours requested are considered reasonable given the context of the site, and less than the gym at 37 Park Parade which can open between 06:00 and 22:00 in the week. Since it is hoped to have shared customers it is recommended to allow greater opening times than initially requested to allow for this shared customer base in the future. Therefore opening times of between 08:00 and 22:00 Monday to Friday and until 19:00 on Saturdays and between 10:00 and 16:00 on Sundays are recommended.

8 Conclusion

Whilst the proposal would result in the loss of an A1 unit, the proposed tanning studio would be open to the public and provide a service for local customers akin to the function of an A1 unit. Since the vacancy rates are so high within Leigh Park District Centre, the proposal would bring the unit back into active use and as such these are considered material considerations sufficient to outweigh the need for the marketing evidence. Accordingly the proposal is supported and recommended for permission.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/17/01028

(a) subject to the following conditions

- 1 The development must be begun not later than three years beginning with the date of this permission.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

1:1250 Site Location Plan
Proposed and Existing Plans and Elevations
email dated 06/11/2017 confirming shop front will be used for retail display and offers.

Reason: - To ensure provision of a satisfactory development.
- 3 The premises shall only be open for trade or business between the hours of 0800 hours and 2200 hours on Mondays to Fridays and 0800 to 1900 on Saturdays and 1000 to 1600 on Sundays or any recognised Public Holiday.
Reason: To protect the amenities of nearby residential properties and having due regard to policy DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 4 The shop window shall at all times be retained and incorporate a window display maintained, with regular periodic changes, to the satisfaction of the Local Planning Authority.
Reason: In the interests of visual amenity and to ensure the continuity of the shopping facade and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, policy DM21 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework 2012.
- 5 No externally visible or audible plant, machinery or structures required for ventilation or filtration purposes shall be installed at the premises until and unless details of the external appearance and acoustic performance of the same have been submitted to and approved in writing by the Local Planning Authority. Any installed audible plant, machinery or structures shall be maintained in accordance with the approved details.
Reason: To safeguard the amenities of the locality and/or occupiers of neighbouring property and having due regard to policies CS11.4, CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

