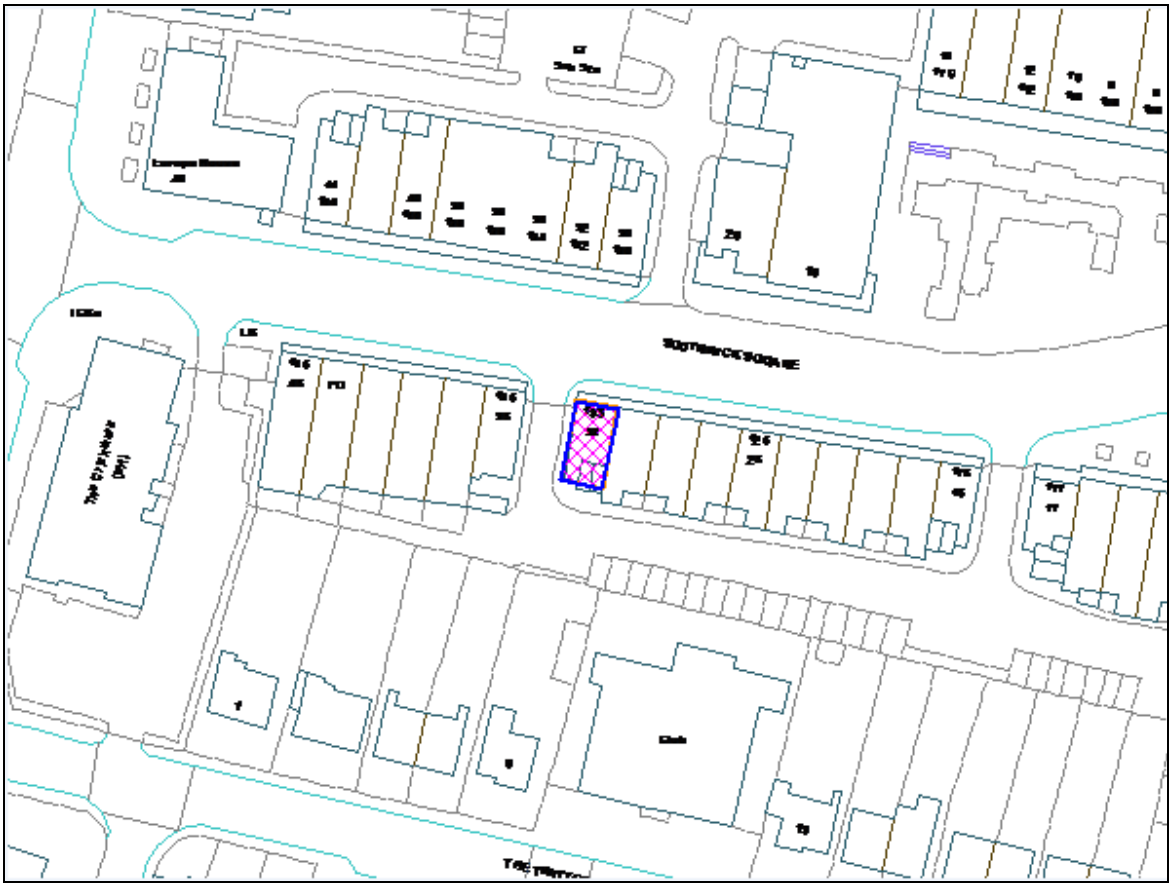
Application Number: AWDM/0827/16 **Recommendation – APPROVE**

Site: **33 Southwick Square**

Proposal: **Change of use from A1 (Pet shop) to mixed use D1 and A1 (chiropodist retailer)**

Applicant: Mr Samih Salib Ward: Southwick Green
Case Officer: Matthew Porter



Not to Scale

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Proposal, Site and Surroundings

33 Southwick Square is a small (45 square metres) commerical premises with a residential maisonette over it. The unit is located in the purpose built shopping parade of Southwick Square. It is currently vacant, previously occupied by a pet shop (Use Class A1).

The proposed occupier is a chiropodist retailer. Their business model involves one-to-one treatments with their customers, with associated retail products available for purchase. The business will have 2 employees. The hours of opening would be 8am - 6pm Monday to Saturday and Bank Holidays. It will be closed on Sundays.

The nature of the business model means the use would become a mixed D1 and A1 use.

Southwick Square is owned by Adur District Council. It is identified in the Adur Local Plan as the main shopping area of Southwick.

Relevant Planning History
SW/66/85/TP/FP
Change of use of retail shop to include use as a private car hire and coach booking office
Refused 08-10-1985

Consultations (summarised)

West Sussex County Council Highways: *No objection. It is not considered the proposal would give rise to such an impact to be severe. Do not consider there would be any significant changes in traffic movements as a result of this proposal.*

The site is located centrally to the commercial/retail/ business sites in Southwick Square. As with the previous A1 usage the application proposal will have a nil car parking provision. Whilst we remain aware that this proposal would have no specific parking provision, based on the available information that has been observed regarding car parking in the immediate locality, the similar outlets within a short walking distance along Southwick Square and the previous use of the site, we do not consider there would be any significant changes in traffic movements as a result of this proposal.

In the unlikely event that vehicles where to park on the in an area that could be detrimental to highway safety, this could be dealt with as an offence under Section 22 Road Traffic Act 1988 (leaving vehicles in a dangerous position on the road including verge) and Section 137 Highways Act 1980 (willful obstruction of the free passage along a highway.) Both of these acts are enforceable by Sussex Police.

Adur & Worthing Councils Planning Policy: *In some cases, certain D1 uses can be appropriate within retail frontages, particularly if they have a shopfront and still contribute to the footfall of the frontage i.e. people going in and out on a regular basis throughout the day. On the assumption that the shopfront is retained, the proposed chiropodist use would be appropriate in Southwick Square and would not have a detrimental impact on the vitality and viability of the shopping area. However, please note that policies in both the emerging Local Plan and the Adur Local Plan 1996 do not specifically support D1 uses in primary and secondary frontages. Therefore will be*

reviewing the relevant emerging Local Plan policies to reflect the fact that some D1 uses may be appropriate in such locations.

Adur & Worthing Councils Environmental Health: *No adverse EH comments. Condition the hours of operation submitted in the application form.*

Representations
None

Relevant Planning Policies and Guidance
National Planning Policy Framework
Saved Adur Local Plan Policies: AG1, AS1
Emerging Local Plan Policies: 12, 28

Relevant Legislation

The Committee should consider the planning application in accordance with Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations; and Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

Planning Assessment

Principle

The Adur Local Plan identifies Southwick Square as a shopping centre performing well at meeting local day-to-day needs.

Reflecting this, Southwick Square is subject to saved policy AS1 which resists development involving the loss of existing shopping provision (Use Class A1) if the proposal is likely to detract from the character and vitality of the area.

Historically, non-retail uses have been declined permission, including a car/coach booking office use at No. 33 in 1985.

Emerging policy 12 is more flexible, setting out that 'A' uses would be supported but, significantly, it does not safeguarded such uses, and neither are other uses precluded.

The difference in these policies reflects, in part, changing shopping trends where shopping centre uses are diversifying.

Whilst it would still be right to resist a non-retail use that would detract from the attractiveness and viability of the shopping centre, this is not believed to be the case here.

The chiropodist retailer would offer a service to the community, and support other local businesses by bringing more people to the parade. In placing the reception at the front of the store, the business will provide an active frontage.

The unit involved is small and at the end of the terrace, so there would no interruption to the continuity of the shopping frontage.

Residential amenity

The proposed use would be open during normal shopping hours. The opening times at the weekends are equally not antisocial.

Given the backdrop of existing activities associated with Southwick shopping centre, the noise and disturbance and comings and goings related to the new business would not be intrusive.

Accordingly, the living conditions of neighbours (including those occupiers of the maisonette above) would not be adversely harmed.

Accessibility and parking

As the existing situation, there is nil parking provision.

However Southwick Square is accessible to alternative means of transport other than the private car - it is well served by bus stops and walking distance from Southwick train station. A public car park is close by.

Accordingly, the highway authority does not believe the traffic movements associated with this proposal would result in a highway safety concern. The local planning authority agrees.

Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans
2. Standard time limit
3. No trade or business (including deliveries) shall take place except between 8.00am and 6.00 pm of the same day, Mondays to Fridays and Bank/Public Holidays, with the premises emptied of customers outside of these hours. All staff activity shall cease at the premises within half an hour of the closing time (i.e. 6.30pm)

4. At all times a window display shall be provided fronting Southwick Square and the window glazing shall not be blanked off internally or otherwise obscured.
5. No external extraction or ventilation plant or machinery shall be installed, erected or replaced on the application site
6. Premises shall be used only for purposes within mixed use D1 and A1 (chiropodist retailer).

8th August 2016