Development Control – Delegated Officer Report

Application Number: ADC/0437/10 Recommendation – APPROVE

Site: **Former Ballamy's showroom and adjoining land, Little High Street, Shoreham-by-Sea BN43 5DF**

Proposal: **Variation of condition 2 of ADC/0210/09 to enable a bicycle sales/rental company to occupy whole of commercial unit**

The Application

The application relates to the last remaining phase (called block B/C on the originally-approved plans) of Ropetackle, the building currently being under construction with the top floor remaining to be built.

The original plans showed this part of the building, fronting onto the now pedestrianised Little High Street, as a shop and a cafe/restaurant with external seating on the small public 'square' (SU/216/02). The subsequently revised proposals, now being built, showed the units as a single large shop but Condition 02 of the permission requires:-

> "02. Notwithstanding the details contained in the application and submitted plan, the proposed groundfloor commercial floorspace shall not be used for purposes within Class A2 of the T&CP (Use Classes) Order 1987 (or in any equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without modification) and prior to its occupation it shall be subdivided into 2 units in accordance with details to be submitted to and approved in writing by the LPA with the western unit used solely for purposes within Class A3 and the eastern unit for purposes within Class A1."

The present application is to vary this condition to enable the whole of the commercial floorspace to be occupied by a franchise operating under the Giant brand, a global bicycle sales/manufacturing company. The applicant's agent suggests the condition be amended to read:-

> "Notwithstanding the details contained in the application and submitted plan, the proposed groundfloor commercial floorspace shall not be used for purposes within Class A2 of the T&CP (Use Classes) Order 1987 (or in any equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without modification) and shall be solely used for bicycle sales/rental within Class A1. At the time in which the Use as a bicycle sales/rental terminates, the floorspace shall be subdivided into 2 units in accordance with details to be submitted to and approved in writing by the LPA with the western unit used solely for purposes within Class A3 and the eastern unit for purposes within Class A1."

Consultations and Representations

Third Parties: No comments received.

Relevant Planning Policies and Guidance

The South East Plan (GOSE 2009): SCT1,CC1-2, T1-2
Adur District Local Plan 1993-2006 (1996) (saved policies): AG1, DP.AE4 and DP.AS1

PPS1 ‘Delivering Sustainable Development’ (ODPM 2005)
PPS4 ‘Planning for Sustainable Economic Growth’ and Practice Guidance ‘Planning for Town Centres’ (DCLG 2009)
PPG13 ‘Transport’ (DTLR 2001)
‘A Strategy for Shoreham Renaissance’ (2006)
Planning Brief for Ropetackle, Shoreham-by-Sea (ADC 1999)

Planning Assessment

Policies

The site is located on the opposite (north) side of pedestrianised Little High Street to the new Ropetackle Centre (community use and offices) and to the west of the area (High Street) used primarily for shopping and commercial purposes. In the Local Plan, adopted in 1996, it lies within the area covered by the Town Centre Inset Plan and, together with the remainder of the Ropetackle site, is identified for retail (DP.AS1), office (DP.AE4) and residential development (AH1).

The **Ropetackle Planning Brief 1999** had the primary aim of bringing about economic and environmental regeneration and sought to provide a mix of activities to stimulate the local economy. In addition to the community building, it required a combination of all or some of the following - mixed tenure residential; small enterprise business accommodation (including live-work units); and/or a hotel or educational facility. It required an impressive new high quality ‘gateway’ into Shoreham, providing a ‘landmark’ at the end of the High Street.

Shoreham Town Centre is identified as a key location for regeneration and, in 2006, the document **‘A Strategy for Shoreham Renaissance’** was published with the aim to “regenerate Shoreham town centre as a sustainable community possessing economic, social and environmental diversity”. This is sets out a number of requirements including securing new homes, employment, leisure and cultural facilities as part of new mixed developments; promoting schemes which improve pedestrian and cycle routes, etc.

Policy SCT1 of the South East Plan gives priority to pro-actively pursuing sustainable economic growth and regeneration of the Sussex Coast whilst also protecting and enhancing its high environmental quality, its cultural and historic assets and promoting excellence in design of new developments in recognition of their importance to economic success and quality of life. CC1 encourages sustainable development and CC2 seeks to mitigate climate change through encouraging good accessibility to sustainable modes of travel. T1 states that plans should ensure their proposals achieve a rebalancing of the transport system in favour of sustainable modes and T2 seeks to achieve this through a package of measures including improving the extent and quality of cycle routes.

Mixture of uses

The Local Plan encourages mixed use development of the Ropetackle site (and the Planning Brief a lively mix of uses and a well-used public ‘square’) but neither are specific as to the proportions of the various uses. The previous permission reduced the amount of commercial floorspace (Class A1 shops and Class A3 restaurant) from 799qm to 380sqm, having previously been reduced from 1,140sqm (although 500sqm of this was on the first floor and unlikely to be intensively used).

The Ropetackle Planning Brief considered it important that the ground floor included commercial and business uses in order to create a lively frontage and well-used public square, as well as helping to provide new employment. Restaurant(s) are ideal for this purpose as they would include sitting out space on the northern side of the square (subject to obtaining the necessary license from WSCC). The previous application proposals still enabled this but required a condition to be imposed to ensure that most of the frontage to the Square is used as a restaurant and a shop and not as a single financial and professional service office. It was considered that there was reasonable justification for requiring its subdivision into 2 units, the western one for a restaurant and the eastern for a shop (and condition 2 was imposed accordingly).

The permitted amended scheme also involved the deletion of the retail shops originally approved along the A283 frontage. This was accepted as reasonable given that the A283 frontage is not an attractive location for shops, being on the periphery of the shopping area with its western side separated from the High Street shopping area by the heavy flow of traffic on the road. The vacancies in the existing block of 4 shops on the eastern side illustrated the reality of demand for retail floorspace.

The current proposals for a bicycle sales/rental shop occupying the whole commercial floorspace would not achieve the same ambience or lively frontage for the public square as envisaged in the Ropetackle development brief. The applicants state that no cafe/restaurant occupier can be found and a letter has been received from Oakleys stating that despite extensive marketing and advertising since May 2010 no other company or person has expressed an interest in occupying the commercial floorspace of this building whether as one or 2 units.

Nevertheless, a bicycle sales/rental shop would, apart from the above issue, be a desirable use. It would give local encouragement to use this highly sustainable means of travel. The location is also good from the point of view of being at the southern end of the Downs Link Cycle path which Sustrans is taking active steps to improve.

Residential amenity

The unit to which the application relates forms part of a building comprising 48 flats. There are also flats opposite the site, at the rear of the Ropetackle Centre.

The effect on residential amenity is a significant consideration and, in this respect, it is considered that a bicycle shop would have much less potential impact than a cafe/restaurant. The 2008 permission is subject to a condition restricting opening hours to 8.30am-11pm (plus an additional half hour for all activity to cease).

Recommendation

APPROVE for reason that:-

The proposal would provide a type of retail use which would help encourage sustainable travel within the local area and not result in detriment to the amenities of neighbouring properties. Whilst it would not create a lively public ‘square’ as proposed in the Ropetackle Development Brief through the provision of a restaurant/cafe as previously permitted, its benefits to sustainable travel outweigh this objective. It does not conflict with the relevant policies and development proposals of the Adur District Local Plan (AG1, DP.AE4 & DP.AS1) and the South East Plan (SCT1,CC1-2, T1-2).

Subject to:-

1. C1Ci
2. Notwithstanding the details contained in the application and submitted plan, the proposed groundfloor commercial floorspace shall not be used for purposes within Class A2 of the T&CP (Use Classes) Order 1987 (or in any equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without modification) and shall be solely used for bicycle sales/rental within Class A1. At such time as the use as a bicycle sales/rental shop terminates, within a period of 3 months from such cessation, the floorspace shall be subdivided into 2 units with the western unit being no smaller in floorspace than the eastern unit and thereafter the western unit shall be used solely for purposes within Class A3 (restaurants and cafes) and the eastern unit for purposes within Class A1 (shops) under the above Order.

Case Officer: Keith Morgan Date: 23 December 2010