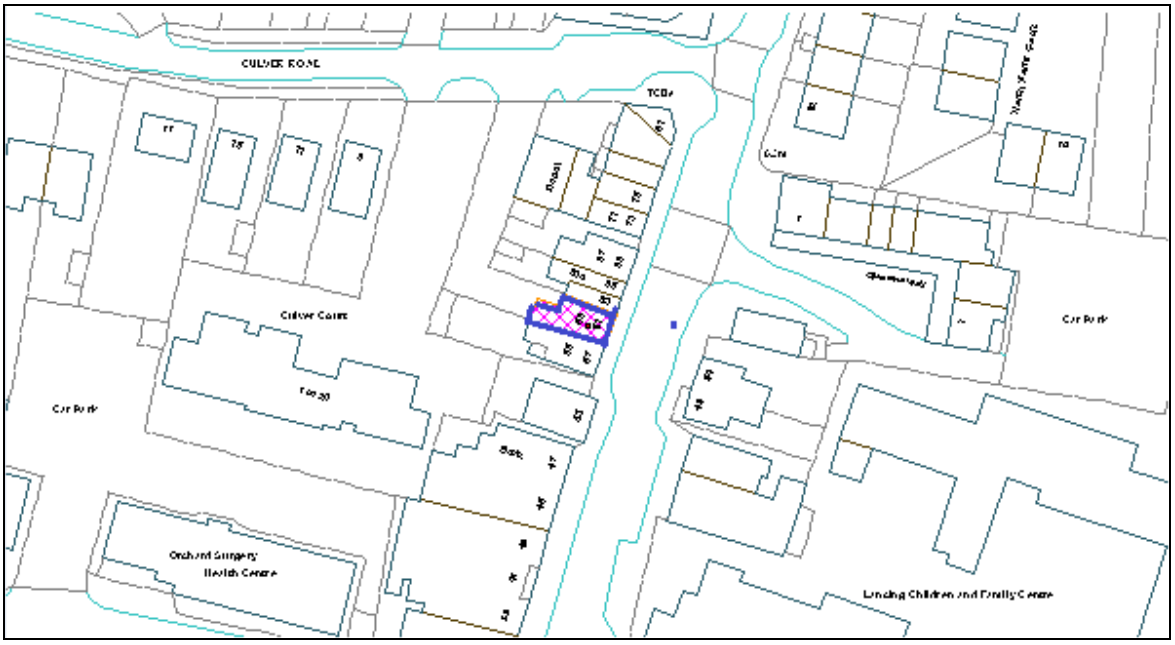
Application Number: AWDM/1156/14 **Recommendation – REFUSE**

Site: **61 North Road Lancing West Sussex BN15 9AS**

Proposal: **Change of Use from use class A1 (retail) to use class A2 (financial and professional) and new shop front**

Applicant: Mr R Luff Ward: Mash Barn
Case Officer: Jo Morin



Not to Scale

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Proposal, Site and Surroundings

The application property comprises a mid-terrace ground-floor shop unit (59sqm gross internal area) within a 2-storey building located on the west side of North Road within Lancing town centre. The shop is currently vacant but was until recently a jewellery shop 'Facets'. There is a residential flat on the first-floor with self-contained access from North Road.

Permission is sought for a change of use to an estate agents office within Class A2 (Financial and Professional Services) of the Town and Country Planning Use Classes Order. No external alterations to the shop front are proposed.

A separate application for advertisement consent has been made for an internally illuminated fascia sign and non-illuminated projecting sign.

Relevant Planning History

Planning permission was refused by officers under the Council's scheme of delegation on 29 July this year for an identical application for the change of use of 61 North Road from use class A1 (retail) to an estate agent's within use class A2, made by the same applicant (AWDM/0770/14 refers).

Consultations

Lancing Parish Council: No comments have been received at the time of writing. However, the Parish Council raised no objection to the previous application (AWDM/0770/14) commenting that the proposed use would be preferable to an empty retail unit.

Representations

At the time of writing the publicity period for the current application has not expired, but 1 letter of support has been received from the current leaseholder commenting that the former business closed on 30 August because it could no longer operate at a loss. If the application is rejected the premises will remain empty for the remainder of the lease with no guarantee of a new tenant. After the recent negative activity Lancing doesn't need another vacant unit. It is better that the unit is occupied, ensuring the tenure is secure for at least a further 10 years. Robert Luff Estate Agent works hard in the community supporting local events such as 'Birdman' and will be a valuable asset to the Village.

The following representations were received in respect of the former application AWDM/0770/14:-

A representation was received on behalf of a nearby commercial occupier expressing concern at the proliferation of betting shops close to the site and in town centre locations generally and requesting that any permission is restricted to allow use as an estate agent only. Reference was made to the Ministerial Statement setting out the Government's intention to removal betting shops from the A2 Use Class.

An objection was received from a local resident commenting that both the Councils and community are working hard to enhance the heart of Lancing Village as set out in the BDP Vision document and turning retail into office space will not encourage investment by other retailers which is badly needed if the high street is to survive.

Relevant Planning Policies and Guidance

Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AS1
Revised Draft Adur Local Plan (2013): 9
National Planning Policy Framework (DCLG 2012)

National Planning Practice Guidance (DCLG 2014)
Lancing Village Vision (2012)

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 application premises is subject to saved policy AS1 which states that development which involves the loss of existing shopping provision (Use Classes A1 and A3) will not be permitted if the proposal is likely to detract from the character and vitality of the area.

The site is within the 'Village Heart' where the Lancing Vision seeks to strengthen and focus town centre uses (including Classes A1, A2 and A3) to ensure that it becomes 'rich with activity'. It states that applications for change of use must demonstrate that there will be a positive contribution towards the village character through the appearance of the frontage and the quality of the offer.

Although the Revised Draft Adur Local Plan (2013) currently carries little or no weight as a material consideration in the determination of planning applications, it builds on the Lancing Vision and identifies primary and secondary shopping frontages in Lancing town centre to ensure that appropriate town centre uses are retained and improved in order that the centre continues to meet the needs of residents. This emerging policy approach and identification of primary and secondary frontages is based on a relatively up-to-date retail study by DTZ (2012). The site is located within the identified 'primary frontage' subject to revised draft policy 9 which seeks to restrict non retail uses. This policy approach is considered necessary to maintain and enhance a healthy and vibrant town centre and is consistent with national planning policy (paragraph 23 of the NPPF) which states local planning authorities should "*define the extent of town centres and primary shopping area, based on a clear definition of primary and secondary frontages in designated centres and set policies which make it clear which uses will be permitted in such locations*."

The framework of existing and emerging policy is clear that whilst a mix of uses can contribute to a vibrant and successful shopping area, it is important that primary shopping frontages do not lose their mainly shopping (Class A1) role and character. Maintaining a concentration of retail use choice is fundamental to this approach.

Notwithstanding this, since the economic downturn the Council has generally taken a pragmatic approach to the depressed economic climate and concerns over long term

vacancy. However, no supporting information has been submitted with the application to indicate whether or not the premises have been marketed for Class A1 use, and if it has, for how long. There is no evidence to establish there is a lack of demand for retail premises in this part of Lancing centre. It is of note that there is only 1 other vacant unit at present on this side of North Road between Sompting Road to the south and Culver Road to the north. There is one vacant unit on the east side of the road (34-38 North Road) a former bank (Class A2). Whilst it is recognised that trading conditions have been difficult for retailers, the prime location of the premises means that it would not necessarily fail to attract an alternative retail tenant and there is no evidence that this has been tested.

There are three units in Class A2 usage opposite the site between 44-50 North Road (comprising two betting offices and a bank). Whilst the issue of competition (raised on behalf of one of the betting office operators) is not a material planning consideration, it serves to demonstrate how a 'cluster' of A2 uses can result in a 'dead' section of frontage leading to lower footfalls.

Consideration must also be given to the recently amended provisions of the Town and Country Planning General Permitted Development Order (GPDO) which would allow for the change of use of this small shop unit to Class A2 but only for a temporary period up to 2 years. As part of the consideration of the former application, the applicant's agent was informed of the recent changes to the GPDO but it is understood the time limits involved would not provide the degree of certainty the applicant requires going into the future. It is also worth point out that DCLG is currently consulting on a raft of proposed changes to the planning system including a proposal to broaden the retail (A1) use class to incorporate the majority of financial and professional services currently found in class A2 Including estate agents. A report setting out the Council's response to the consultation will be reported to Joint Planning Committee on 25 September 2014 setting out concerns that the proposed change would conflict with local plan policies which seek to protect core frontages for A1 shop uses in order to safeguard the vibrancy of such areas. This aside, the application falls to be considered on its merits in accordance with the provisions of the adopted Development Plan which is considered to be in conformity with national planning policy, and the implementation of which is important to realising long terms objectives and ambitions for Lancing as having a thriving and vibrant town centre.

Visual amenity

The existing shop front has a 'tired' appearance consisting of a shop window unusually subdivided into 4 vertical panes above a traditional stall-riser with the shop door to one side. Aside from the submitted application for signage, no external alterations to the existing shop front are proposed as part of this application.

Residential amenity

There are residential occupiers on the first-floor above the shop unit. No hours of use have been stipulated on the application forms by the proposed future estates agents. Some degree of activity and associated noise could reasonably be expected in this town centre location, even at weekends. However, late evening use could be controlled by a condition of planning permission in the event of approval.

Highway Issues

It is not anticipated that the proposed A2 use class would generate additional traffic or a different pattern of vehicle movements than the existing retail use. There is provision for parking on-street nearby and a shopper's car park in North Farm Road.

Recommendation

REFUSE for the reason:-

The proposal would result in the loss of a retail unit within the main shopping street of Lancing town centre and would weaken the retail integrity and shopping character of this key shopping frontage. Whilst the need to promote competitive town centre environments is recognised, this should not be at the expense of vitality and viability in the longer term. In this instance it is considered the proposed Class A2 use would be harmful to the shopping character, function and vibrancy of Lancing town centre and therefore conflicts with the saved policy AS1 of the Adur District Local Plan and the NPPF.

29th September 2014