ADDITIONAL

RODWAY PLANNING
CONSULTANCY LIMITED

PLANNING STATEMENT

PLANNING APPLICATION: AWDM/1191/18

'CHANGE OF USE FROM SHOP (A1) TO DENTIST (D1) INCLUDING NEW DOOR OPENING IN WHITE UPVC TO NORTH ELEVATION, AND DOOR REPLACED WITH WHITE UPVC WINDOW TO EAST ELEVATION'

30 BRUNSWICK ROAD, SHOREHAM BY SEA,

WEST SUSSEX BN43 5WB

OCTOBER 2018

ADUR & WORTHING PLANNING SERVICES	
PLAN	AWDM/ 1191/18
~~DATE VALID~~	Rec: 19/10/18

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1. INTRODUCTION

1.1 Mydentist UK have applied to Adur & Worthing Council for the change of use of an existing retail unit at No.30 Brunswick Road, to create a new orthodontics practice (D1 use class).

1.2 It is understood that Officers require further clarification in respect of marketing and planning policy compliance. This additional report seeks to add further substance to the previous application documents that have been submitted to the Council, whilst also addressing the concerns that have been raised.

1.3 It is understood that the application is to be reported to Adur Council's Planning Committee meeting, scheduled for Monday 5th November 2018.

2. PLANNING POLICY CONTEXT

2.1 A revised version of the National Planning Policy Framework (NPPF) was published in July 2018. At the national level, this document now provides the most up to date Government policy on planning matters.

2.2 Under paragraph 8 of the Framework, it sets out that planning should seek to provide sustainable development, *"so that opportunities can be taken to secure net gains"*. Under the 'social objective', the Framework stipulates that sustainable development should *"support strong, vibrant and healthy communities... with accessible services... that reflect current and future needs and support communities' health, social and cultural well-being..."*

2.3 Chapter 6 of the Framework is entitled 'Building a strong, competitive economy'. It states *invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain*

can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential" (paragraph 80).

2.4 Paragraph 81 of the Framework states that *"Planning policies should:*

a. *set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to Local Industrial Strategies and other local policies for economic development and regeneration;*
b. *set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period;*
c. *seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment; and*
d. ***be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances.**"*

2.5 Chapter 7 of the Framework is entitled 'Ensuring the vitality of town centres'. It requires that Planning decisions *"should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation"*. The Framework also highlights a need to promote the *"long-term vitality and viability [of town centres] by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses... and reflects their distinctive characters"* (paragraph 85).

2.6 At the local level, the Adur Local Plan 2017 provides the most up to date planning policy context. The Adur Local Plan Policies Map (see Fig 1 below) identifies that the site is located within Town Centre Block 2', and is part of the Primary Shopping Area and a Primary Retail Frontage. The site is also within the Built-up Area, and the Conservation Area.

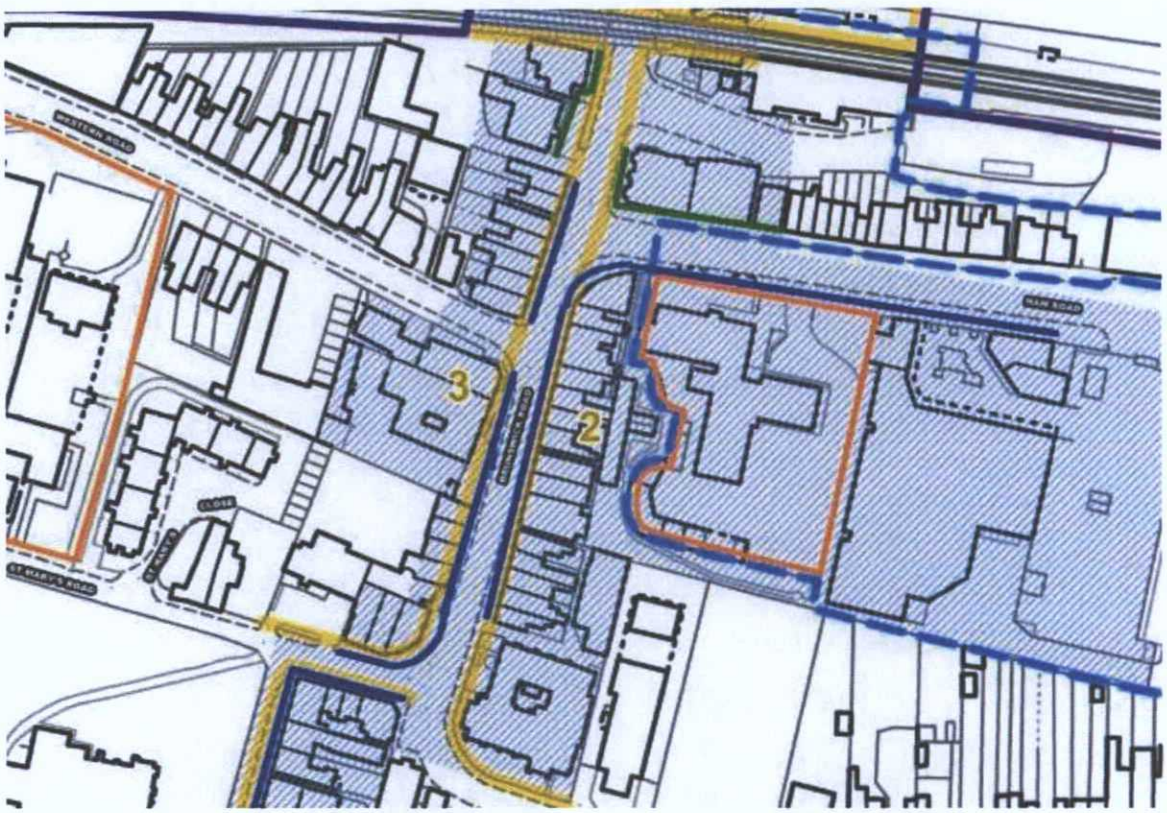

Fig 1. Extract of Adur Local Plan Policies Map – Inset Map 2 'Shoreham Town Centre'

2.7 In terms of specific planning policies, the following are considered to be directly relevant to this planning application for change of use of the premises.

2.8 **Policy 11** entitled 'Shoreham-by-Sea' sets out that *"In addition to Shoreham Harbour, Shoreham town centre will be the main focus for new development in Shoreham-by-Sea to meet needs including housing, employment, community facilities and retail... The role of Shoreham town centre as a shopping centre meeting day-today needs and providing a niche retail offer will be reinforced and enhanced... Development within the primary and secondary retail frontages of Shoreham town centre (as shown on the Policies Map) will need to be in accordance with the following:*

Within the primary frontages of blocks 2, 3, 5 and 6 the following uses will be acceptable at ground floor level, subject to compliance with other relevant policies:

- *A1 (shops).*

- *A3 (food and drink) and appropriate D1 (non-residential institutions) uses where there is a long term vacancy (normally a minimum of 1 year) and reasonable attempts have been made to sell or let the premises for A1 use.*

Any other uses will be resisted... "

2.9 Policy 27 entitled 'Retail, Town Centres and Local Parades' states: *"Within the defined town centre boundaries of Shoreham-by-Sea, Southwick and Lancing (as shown on the Policies Map), town centre uses will be permitted, subject to compliance with other relevant policies. Development within the primary and secondary shopping frontages will need to be in accordance with the place based policies in Part Three of this Plan [see Policy 11 above]..."*

2.10 The supporting text to Policy 27 confirms that *"it is considered that due to the changing role of town centres as a result primarily of the growth in online shopping, there is a need for high streets to offer something that the internet cannot. Therefore, in addition to A3 and A4 uses, the place based policies in Part 3 of this Plan also allow for appropriate D1 uses in the primary and secondary frontages. In this case, appropriate D1 uses are those that contribute positively to the vitality and viability of a centre, generating footfall throughout the day and retaining a shopfront. Such uses would normally include those in the health and beauty sector"* (paragraph 4.63).

3. MARKETING

3.1 Attached to this Report, at **Appendix A** is a Marketing Report prepared by local agents, Warwick Baker. You will be aware that Warwick Baker have significant experience of the commercial market in central Shoreham; and indeed they have been responsible for managing the application premises. They are therefore best placed to comment on market conditions and the circumstances that have led to the application proposals.

3.2 It is evident from the Marketing Report that the property has been actively marketed for a considerable period of time – in excess of 7 months. Further there is a recent history of retail uses at this premises failing. This is not just a problem at this particular premises, and Mr Baker

highlights a number of other premises that are similarly struggling and/or are now vacant and unable to secure new tenants. The Marketing Report identifies a number of contributory factors to these circumstances, including the rise in popularity of internet shopping, the lack of investment in the Brunswick Road retail area (especially when compared with East Street and the High Street), and importantly the closure of the Post Office, which has now doubt significantly exacerbated matters. Indeed our understanding is that a significant number of existing retail units along Brunswick Road have suffered a circa 50% drop in profits since the closure of the Crown Post Office.

3.3 It is appreciated that Local Plan policy 11 sets out that "A3 and appropriate D1" uses can be considered to replace existing A1/retail uses in this area but "normally" when the premises has been vacant for a minimum of 1 year *"and reasonable attempts have been made to sell or let the premises for A1 use"*. In this case the marketing report highlights that the premises has been subject to a robust marketing process for over 7 months. The previous occupiers retail use failed and they vacated in September 2018 having served notice in March 2018. The former occupier has now re-opened the shop ('Shabulous') temporarily to contribute to her ongoing liability, and this has been assisted by the landlord granting a further rent concession. However, this situation is unviable and will not continue. Therefore, if this planning application is refused the premises will return to being vacant. With no prospect of a suitable retail occupier being found for No.30, the premises will remain vacant indefinitely – or at least until the Local Authority grant permission for a change of use – but this is dependent on an alternative use occupier coming forward.

3.4 The situation here is that the proposals do not comply with the Policy 11 requirement that the premises should be in long term vacancy. The Policy sets out that normally a year vacancy will be required before an alternative use will be considered. We question the appropriateness of this requirement in general terms, as it would not seem to positively enhance the viability and vitality of the area by requiring premises to remain vacant for considerable periods of time. In this case it must be recognised that retail uses have been failing for some time. This is common in the wider town centre area, but especially in Brunswick Road. Further market interest in these units for a

retail use is clearly unapparent. For instance, nearby Tribes has stood vacant for almost 2 years. In addition, and importantly, the NHS have identified a need for an additional dental practice in Shoreham. No.30 Brunswick Road meets the requirements. It would also provide a D1 use, which the Local Plan acknowledges is appropriate in retail areas such as this. It would provide clear community benefits, as well as a retail element and shopfront.

3.5 Clearly the only policy conflict is that the premises has not been vacant for 12 months. In this case, and given the special circumstances, we consider that Officers should weigh the benefits against this minor policy lack of compliance, and conclude that the new use should be supported.

4. NEED FOR A NEW ORTHODONTIC PRACTICE

4.1 The applicants, Mydentist, benefit from a pre-existing contract with the NHS. In this case, the NHS have undertaken a Needs Assessment that has identified that Shoreham by Sea is in need of such a service. Worthing is currently the closest similar facility, and this proposal will allow the hub to remain in Worthing with a spoke in Shoreham thereby reducing the need for patients to travel.

4.2 Enclosed with this submissions, at **Appendix B**, is the Needs Statement in which the NHS identify that there is demand in Shoreham.

4.3 This is a minimum 10 year contract so there will be certainty over the need for the service over a considerable period of time which will provide some stability to the Brunswick Road area.

4.4 It should be noted that whereas there are dental practices providing orthodontic services in Shoreham, these are exclusively private and there is currently no NHS provision whatsoever. The proposed use will therefore provide a wholly new service for those residents of Shoreham who cannot afford to pay privately thereby aligning with Policy 33.

4.5 The use will bring people into the town centre, who we expect will then go on to visit other premises in the local area. Orthodontic treatments are frequently required by younger people as their teeth develop and as such the practice will attract more family visits than might be the case for general dental or other services which would further increase the footfall and range of visitors.

5. ANCILLARY RETAIL USE

5.1 We can confirm that the proposed orthodontic practice will retain a retail element, albeit this will be ancillary to the principle D1 use. The applicants have a supply contract with GSK and Phillips whereby they retail their products through their dental outlets. As a result the applicants will be able to offer a range of products ranging from Philips Sonicare electric toothbrushes and Airfloss to Corsodyl, Sensodyne, Poligrip and Aquafresh toothpastes, mouthwashes, denture fixatives, dental floss, Teepees, etc. at the application site.

5.2 It is acknowledged that the floor space at No.30 Brunswick Road is not particularly large so the applicant's ability to bolster this part of the service is limited, but we can assure the Council that this is an integral part of the applicant's service to their customers. We cannot claim that this will be the primary use, but there will indeed be a retail sales element to the operation. If it would help to retain the retail sales frontage, the applicants are willing to consider including some form of window display.

5.3 It is considered important to note in this context that nearby No.14 Brunswick Road was granted change of use recently on 19th July 2016 (AWDM/0900/16: *'Change of use from Use Class A1 (shop) to part A1 use to front of premises and part Use Class D1 natural therapy practice to rear'*).

5.4 It is acknowledged that in this case the unit was vacant. However, the Planning Policy officer raised no objection to the application stating, *"in this case the proposed D1 use is compatible with a town centre location"*. In the Planning Officer's report they confirmed that *"In this case, the A1 use constitutes 50% or more of the floor area and is maintaining a shopfront with retail display. It is not*

considered that the proposal will harm the shopping vitality of the area and it can therefore be supported in principle."

5.5 Also of note, at 25 Brunswick Road, permission was granted on 3rd November 2017 for *'Proposed reconfiguration of the existing single storey rear extension, internal alterations and partial change of use of the ground floor from retail/commercial use to residential use and full change of use of the 1st floor from retail/commercial use to residential use'* (application ref: AWDM/1213/17). Although a lock-up retail unit is maintained at ground floor fronting Brunswick Road, the permitted plans included a significant reduction in the commercial floor space available at this premises, with the first floor office space and the ancillary retail floor space at ground floor being changed in their use to residential. It is understood that numerically, the ground floor retail/commercial floorspace is to be reduced by almost 50% (from 60.88 sqm to 32.75 sqm).

5.6 These cases demonstrate a shift in the retail demand along Brunswick Road, with owners and lessees seeking to reduce retail floorspace and provide alternative uses.

6. PLANNING ASSESSMENT SUMMARY

6.1 As set out above, the Local Plan acknowledges that D1 uses are appropriate in this area. Indeed a part D1 use has been approved in 2016 at nearby No.14. This permitted application included a 50% provision of retail floor space, and although this amount of floorspace cannot be provided at No.30 (due to the limited floor area, and the need to provide customer and staff facilities and a reception area), but the applicants will provide a retail element at the front of the premises, and a shopfront can be retained. Therefore, in visual terms the use of the unit will be in keeping with the primary retail frontage in which it lies.

6.2 This report demonstrates that extensive marketing has already been carried out. The existing retail use has been failing for some time, and such circumstances are now common in central Shoreham, and specifically along Brunswick Road. Policy 11 requires that a premises should be vacant for 12 months before either A3 or D1 uses will be considered. We contend that such an approach would

not be in the communities or the wider shopping areas best interest. If Mydentist are not be able to proceed with securing the lease, this new NHS service would be lost to the locality causing local residents to have to travel outside the town. This would result in another vacant shopfront for such an extensive period would have a negative effect on the shopping area – rather than positively contributing to the viability and vitality of the location.

6.3 In addition, we consider that there are significant wider public benefits arising from this proposed change of use, with the introduction of a much needed NHS dental practice, which will not only include a retail element at the front of the premises, but will also provide Shoreham residents with another practice, which provides competition to existing dental practices whilst also serving NHS customers.

6.4 Providing a new dental practice in this town centre location, will reduce the need for Shoreham residents to travel (the closest mydentist facility is currently in Worthing). This is positive in sustainability terms, and as such accords with the emphasis of the NPPF.

6.5 The use will bring people in to the town centre, who we expect will then go on to visit other premises in the local area. As is noted above, the loss of the Post Office has had a dramatic impact on the variety of uses on Brunswick Road. This proposal will introduce an alternative use that will generate footfall to the benefit of other uses nearby. This evidently will improve the vitality and viability of the shopping area.

6.6 It is considered that the proposals accord with Policy 33 'Planning for Sustainable Communities', which is also relevant to this application as it deals with health and well-being. The supporting text to this policy states that *"Ensuring that appropriate and sufficient social and community infrastructure is provided is a vital part of delivering healthy, sustainable communities. A range of facilities may be required, or improvements made to existing facilities, to address issues arising from changes in population or deprivation. For the purposes of this policy, social and community facilities may be defined as... health facilities..."* Further, Policy 11 goes onto confirm that *"The Council will work with health care providers to deliver up-to-date healthcare facilities, and with the*

providers of other social and community infrastructure to deliver appropriate facilities in accessible locations, to meet local needs. The reduction of health inequalities and initiatives to facilitate healthier lifestyles will be supported, where these can be delivered through the planning system." This is directly applicable to this application, and therefore should be awarded significant weight in the planning balance.

6.7 An analysis of the current Brunswick Road streetscene identifies that the two sides of the road (East side from Ham Road down to the church; west side – from the Buckingham Arms PH down to and including Fox & Sons) provide 30 individual units with active frontages onto the street. Currently 18 of these units are wholly in A1 retail use, which accounts for 60% of the uses on Brunswick Road (and two of these - Tribes and the Post Office – are vacant). Clearly this is a diverse area; there are currently 7 x A2 uses, 2 x D1 use (including the Acupuncture clinic, which is part A1), a part A1, part A3 Bakery, a betting office (Sui Generis) and a hot food takeaway (A5). If the application site were allowed to change its use to D1, this would still mean that 17 x A1/retail units would remain on Brunswick Road (56.6%). Given that the bakery and acupuncture clinic provide a retail function also, this figure would actually be 63.3%. This is not a significant reduction from existing, and given that the shopfront and a retail element will remain at No.30, and that it will generate additional footfall to the local area, we consider that the Primary Retail Frontage will not be compromised by this proposal.

6.8 In conclusion, the premises has been subject to robust marketing but no other uses have come forward who wish to use the premises for retail purposes. Given the local context (i.e. difficulties of other shops since the closure of the Post Office) it would be sensible to resist the vacancy of this unit. The D1 use proposed would accord with the Council's strategy for this town centre location; and it would provide a sustainable use, which will bring with it significant community benefits (being a NHS funded facility) to the health and well-being of Adur residents, in addition to positively contributing to the vitality and viability of the Primary Shopping Area and a Primary Retail Frontage.

6.9 Therefore, any minor transgression with the requirements of Policy 11 can be overlooked in this case, as the circumstances confirm that there will be wider public benefits, which when taken in the planning balance, indicate that planning permission for the proposed change of use should be granted.

October 2018