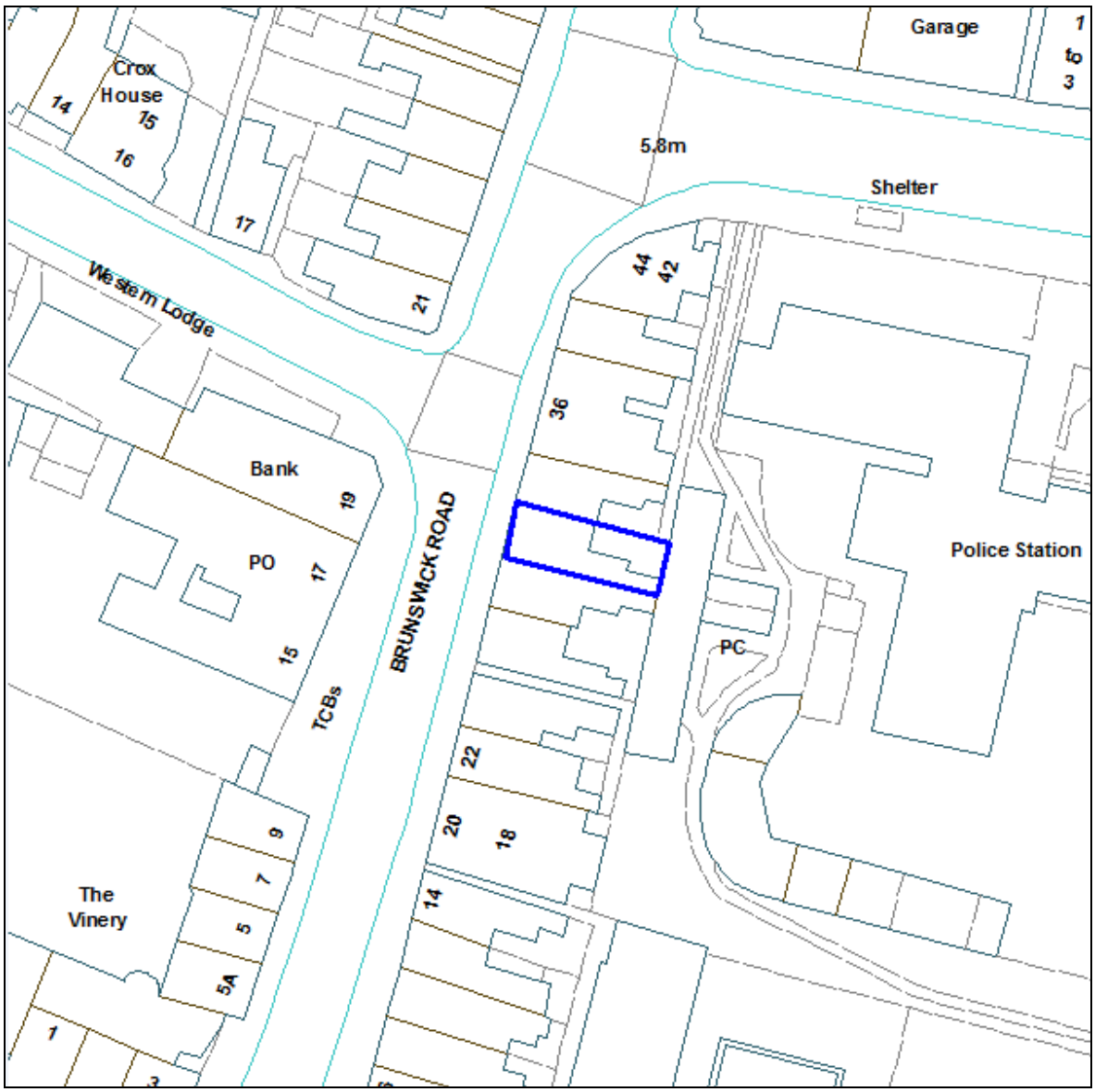
Application Number: AWDM/1191/18 **Recommendation – APPROVE**

Site: **30 Brunswick Road, Shoreham**

Proposal: **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.**

Applicant: Adur District Council Ward: St Mary's
Case Officer: M. O'Keeffe



Not to Scale

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Councillor Arnold has called this application to Committee.

Proposal, Site and Surroundings

This application relates to a mid terraced two storey building on the east side of Brunswick Road opposite the vacant Post Office building in Shoreham town centre. The ground floor is occupied for retail purposes and the upper floor is in separate office use. It sits between an estate agents and a shoe repair/locksmith/dry cleaners. The parade is fully occupied apart from a funeral directors on the corner to the north.

The site lies within Shoreham Town Centre in the Primary shopping area. It is also identified as a Primary retail frontage and within town centre block No. 2. It is within Shoreham conservation area.

Planning permission is sought to convert the ground floor retail shop into a dentist practice with one consulting room. At the rear a door is to be replaced with a window and a new door added elsewhere.

Relevant Planning History

None relevant.

Extract from Supporting Statement

'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.'

Consultations

Highways:

'This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC map information. A site visit can be arranged on request.

This proposal is for the change of use of A1 retail shop to Dentist D1 use. The site is located on Brunswick Road, a C-classified road subject to a speed limit of 30mph.

The application does not propose any parking provision or vehicular access to the site. However the LHA appreciate the sustainable location of the site, within walking distance of Shoreham-by-Sea train station and local bus stops, and as such consider that there are viable options for sustainable modes of transport to reduce the reliance upon the private car. Under the WSCC Car Parking Standards, 5 car parking spaces may be provided for the proposal. Whilst on-street car parking is limited in the immediate vicinity there are comprehensive parking restrictions prohibiting vehicles from parking in places that would be detriment to highway safety. We would not consider that highway safety would be detrimentally affected through the proposed nil car parking provision. Furthermore, existing visitors to the shop would be by foot and considering that no parking is possible for the retail use the LHA anticipate that the level of traffic generated would be of a similar nature.

<u>Conclusion</u>

The Local Highway Authority (LHA) does not consider that this proposal would have 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.'

Environmental Health: No objection.

Planning Policy:

'The proposal would be contrary to the adopted Local Plan in that the unit is currently in retail use and therefore it has not been vacant for a minimum of a year. However, the

supporting statement submitted with this application indicates that the property has been marketed for 6 months with no retail interest, and that there have been four A1 uses in the past 6 years. Given the history of the site and that the D1 use proposed (dental surgery) will provide a health service for local people, it is considered that, in this particular case, use as a dental surgery would be appropriate for this part of Shoreham town centre, on balance there is no policy objection to the principle of change of use.'

Representations

None received.

Relevant Planning Policies and Guidance

Adur Local Plan 2107 policies 1, 2, 11, 15, 27
National Planning Policy Framework (CLG 2012)
Planning Practice Guidance (CLG 2014)

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

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

The main considerations with this application are the acceptability of the loss of prime retail floorspace in the town centre weighed against the provision of a community use.

The site lies within Shoreham Town Centre in a primary retail frontage. It is designated block 2.

Adopted Adur Local Plan policy 11 states:

'The role of Shoreham town centre as a shopping centre meeting day-to-day needs and providing a niche retail offer will be reinforced and enhanced. Any proposals for new retail floorspace will be directed to the Primary Shopping Area first. 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.'

The existing unit is occupied as a gift shop. However, Darren Baker of Warwick Baker Estate Agent's has written confirming that the site has been occupied for retail purposes over the last 6 years by four different businesses. Each has struggled to be viable. The current occupier has served notice to quit and has indicated that business has become even more difficult to sustain since the post office closed. Warwick Baker has been marketing the site for at least the last six months with only one serious enquiry, the current applicant.

The proposed use is a D1 use, a community use, and a use identified in policy 11 as a suitable alternative use where retail is unviable. Whilst the site is currently occupied it will soon be vacant. Marketing for 6 months has failed to identify a potential future retail occupier and the applicant has indicated that leaving the premises empty for a year would not be in the best interests of the viability of other retailers in the area.

This is a difficult case as the proposal would be contrary to Policy 11 which only allows appropriate D1 uses when there has been a long term vacancy.

Nevertheless, since the adoption of the Plan the revised NPPF has been published which recognizes that diversification is key for the long term vitality and viability of town centres, to 'respond to rapid changes in the retail and leisure industries'. The NPPF now advises that planning policies should clarify 'the range of uses permitted in such locations as part of a positive strategy for the future of each centre'.

Given that the premises has been marketed for 6 months and there has been no retail interest and this is an appropriate D1 use, it is considered that an exception to the adopted policy can be justified (particularly in the light of new Government guidance). A dental practice in this location would generate footfall which could also help support other local retailers. It would be important to maintain a shop front window display to avoid a 'dead' frontage and albeit a small unit there is scope for some ancillary retail sale of dental products.

Parking restrictions, double yellow lines, exist outside the shop. The site is otherwise in a highly sustainable location. It is not anticipated that this use will create any significant highway issues.

The new window and door are at the rear of the site and, therefore, uPVC will be acceptable in this location.

Recommendation

To GRANT permission

1. Approved Plans
2. Development to commence within 3 years of permission being granted
3. Retain a window display at all times.

5th November 2018