RE PLANNING

DESIGN & ACCESS STATEMENT

Background

1. As you will be aware, planning permission was granted by your Council on the 7th March 2008 for the change of use of 339 Brighton Road, Lancing from a car showroom to Class A1 retail. The permission was subject to, inter alia, a condition (04) restricting the A1 use to the display and sale of kitchen/bedroom and associated products.

2. The permission was implemented by Better Finishing Limited who retailed bedroom and kitchen furniture from the premises for approximately nine months. However, Better Finishing Limited went into receivership at the beginning of last year and the premises have remained vacant since. My clients have received little or no interest in the premises largely due to the restricted nature of the permitted use.

3. As a consequence, an application was submitted to the Council on the 14th July 2009 (ADC/0270/09) for the removal of Condition 04 in order to enable unrestricted retail use of the premises. The intention was that the premises would be used by a food convenience retailer. A Transport Statement and a Retail Impact Assessment were submitted in connection with this application. However, the convenience store operator withdrew from the acquisition and the application was, accordingly, withdrawn.

4. A subsequent permission was granted by the Council on the 1st October 2009 (ADC/0310/09) for the reversion of the premises to a car showroom and workshop. However, this permission has not been implemented and the premises remain vacant.

The Current Application

5. My clients have now received interest in the premises from a firm who would wish to use the premises as a bathroom showroom and for the sale of bathrooms and related products. In the circumstances, this current application is, in effect a resubmission of the previous proposal to remove Condition 04 but, in this case, the applicant is willing to accept a modified condition which would restrict retail sales to non-food retail uses.

Condition 04

6. Condition 04 of the permission restricts the use of the premises to the display and sale of kitchen, bedroom and associated products. The reason for the imposition of the condition is stated to be in the interests of amenity and to comply with Policy DEV1 of the West Sussex Structure Plan. The Officer's Report concerning application ADC/0047/08 does not contain any information or justification as to why it was considered necessary to impose the condition and why other retail uses falling within Class A1 would not be acceptable.

7. Government policy concerning conditions is set out in Circular 11/95. Paragraph 87 of the Circular relates to the restriction of permitted development rights. It is explained that conditions restricting changes of use that the Use Classes Order would otherwise allow should not be imposed unless there are exceptional circumstances. The Secretary of State would normally regard such conditions as unreasonable unless there were clear evidence that the uses excluded (in this case all other retail uses) would have serious adverse effects on amenity or the environment, that there were no other forms of control and that the condition would serve a clear planning purpose. The stated reasons for the condition would not appear to set out such exceptional circumstances in this case that would override such guidance.

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8. This application, therefore, seeks the removal of Condition 04 and its substitution with a modified condition enabling general non-food A1 retail use of the premises. Clearly, there is no planning purpose and given that the premises were previously used as a car showroom with workshop facilities and also bearing in mind that there is car parking available at the site, it would seem doubtful that there would be any adverse impact that would arise in relation to either residential amenity or highway safety from alternative non-food retail uses taking place at the premises. The removal of the condition will increase the attractiveness of the premises to the market and result in the building being brought back into use to the benefit of the local economy and to the well being and prosperity of the area generally.