Development Management - Delegated Officer Report

Application Number: **AWDM/0057/13**

Recommendation **Approve**

Site: **1 New Road, Shoreham-by-Sea**

Proposal: **Change of use from shop to office**

Date of site visit: 22nd January 2013

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

The proposal site is the ground floor of a two storey building dating from 1912 which fronts New Road. The first floor forms part of the Church Hall of St Mary's Church. The character and type of use in the area is mixed, with residential properties opposite, a shop adjacent at No. 1a New Road and restaurants and shops nearby on East Street.

The application property is within the Shoreham Conservation Area and a Primary Shopping Area.

According to the agent for the application, the unit has been vacant as a shop since July 2007. Information has been received from Stiles Harold Williams estate agents confirming that they commenced marketing of 1 and 1a New Road in October 2011 and that boards were erected in March 2012 following vacation of 1a. Adur Furniture Network considered Unit 1 but took up unit 1a and there has been no other interest in 1 New Road since it has been marketed, apart from by charities which would not have been in a position to pay the required rent.

It appears that the unit is currently used informally by the Mother's Union, having previously been a craft shop/café. The agent has stated that the Mothers Union (associated with St Mary's Church) do not pay rent and would not be in a position to use the unit if rent was required. As such, the long term use of the unit by the Mother's Union is unlikely to be tenable and would not comply with the lawful use.

The application seeks change of use of the shop unit to an office (B1 use) for The Chichester Diocese Fund and Board of Finance, in effect the parish office for St Mary's Church. Hours of opening would be 9-5 Monday to Friday with one full time equivalent member of staff. No external alterations are proposed.

Relevant site history

Conservation area consent and planning permission were refused in 2009 for part demolition and mixed use development (four storey building) to provide

10 flats above ground floor retail space at 25 East Street and 1/1a New Road. (ADC/0023/09 and ADC/0024/09). This was a Committee Decision following officer's recommendation for approval. Appeals were dismissed in 2010.

Consultations

***Adur and Worthing Councils*:** Environmental Health (Environmental Protection): No suggested conditions/informatives.

The Planning Policy Officer commented as follows:-

"*This application has come at a slightly awkward time in that although policy AE6 of the current Adur Local Plan allows for B1 uses in the defined shopping area (having regard to the need to retain its character, viability and vitality), the emerging Local Plan, based on a retail study undertaken last year, defines this area as part of the primary shopping frontage where only A1 uses are acceptable except in cases where the unit has been vacant for some time and adequately marketed, in which case an A3 use may also be appropriate. The retail study clearly took the view that there are already enough non-A1 uses in this area, hence its policy suggestion, so it would probably be fair to argue that a further loss of retail unit could well affect the long term viability and vitality of the town centre.*

Although I am aware that this unit has been vacant for quite a while, without hard evidence that the property has been marketed for A1 uses (and A3 uses where there is a lack of interest in A1), it will never be clear whether the vacancy is due to lack of demand or whether potential occupiers just weren't aware it was on the market. My view therefore is that given we are in between policies and plans to some extent, that we should require hard evidence of continuous marketing for a reasonable period of time for A1 uses. If it can be proven that this has already been carried out with no success, the property should then also be marketed for A3 uses. Only where there is no demand for either should we consider a B1 use on the premises

I have just spoken to the town centre manager about this planning application and although neither of us are of the view that a Parish Office would have a significantly detrimental impact on the viability of the town centre, we do both agree that as per my email, the applicant needs to demonstrate that they have reasonably marketed the site for A1 (and A3 uses where it has been shown there is no demand for A1 uses) otherwise we are in danger of setting an undesirable precedent."

Representations:

None

Relevant Planning Policies

South East Plan TC2
Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AS1 and AE6
The National Planning Policy Framework

Planning Assessment

Principle and impact on retail character

Policy AS1 of the Adur District Local Plan states that development which involves the loss of existing shopping provision will not be permitted if the proposal is likely to detract from the character and vitality of the area.

Policy AE6 states that in considering applications for change of use to offices within the main shopping areas regard should be had to the need to retain the character, viability and vitality of the shopping centre and on site parking arrangements.

The National Planning Policy Framework states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. The planning system is expected to fulfil an economic role by contributing a strong, responsive, competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation. The NPPF is a material consideration in planning decisions.

The last known use of the unit was as a café/craft shop. However, it has not been used as such for nearly 6 years and has been unsuccessfully marketed since the pottery café ceased trading. The agent for the application has been in discussion prior to application with a planning officer and it was informally indicated that the proposed change of use may be acceptable.

The property is on a side road (and not visible from the High Street as it is set back and concealed behind 24-25 High Street) and as such is removed from the main body of the town centre and is the last unit within the primary shopping frontage. The comments of the Policy Officer are noted, but on the other hand, use as a Parish Office would have a direct link to the nearby Church. The applicant has provided evidence to demonstrate that the premises has been vacant for some time, and in view of its position on the periphery of the shopping area it is considered that allowing use of the premises as a Parish Office in association with the nearby Church would not adversely detract from the retail function or viability. Allowing the change of use with a restriction that the premises be used as a Parish Office would recognise the particular circumstances of the current proposal and its specific contribution to the wider role and function of the town centre at the heart of the local community. In this way, the proposal would not set a precedent for further loss of shops to generic B1 use.

On balance, it is considered that it is preferable for the floorspace to be utilised by the Church in active use rather than it fail be taken up by a retailer for a further period. Provided the hours of use of the office are restricted to normal office hours the amenity of neighbouring occupiers would not be compromised.

Accessibility and parking

The parking situation will not change. No off street parking is provided.

Recommendation

APPROVE for the reason:

Subject to a restriction as a condition of planning permission limiting the proposed use to a Parish Office, it is considered the proposed development would bring a long term vacant unit back into use and can take place without detraction from the vitality and viability of the town centre. On this basis it would not conflict with the National Planning Framework and Saved Policies AS1 and AE6 of the Adur District Local Plan.

Subject to Conditions:-

1. 3 years time limit
2. In accordance with plans
3. Permission restricted to use as a Parish Office
4. Hours of use

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework

Is recommendation contrary to letter(s) of representation?

No

Case Officer: Jo Sanderson Date: 28th March 2013

Authorised by: Jo Morin Date: 28 March 2013