# Development Management - Delegated Officer Report

**Application Number: AWDM/0379/20 Recommendation – Approve**

**Site: 35 - 37 High Street, Shoreham-By-Sea**

**Proposal: Change of use of ground floor from bank (Use Class A2) to betting shop (Sui Generis)**

**Date of site visit: Viewed using Google Maps**

**Neighbours checked: Y**

**Additional neighbour notifications: N**

**Proposal, Site and Surroundings**

The application relates to the ground floor unit within a three storey building on the south side of the High Street, within the Shoreham Conservation Area. It was formerly occupied by Santander (Class A2) and it is proposed to change the use of the ground floor to a betting shop (sui generis) to be occupied by Ladbrokes. A separate application for new signage has also been submitted (AWDM/0380/20).

The supporting statement submitted with the application advises that Ladbrokes currently operates two betting shops in the town, at 43 High Street and in Brunswick Road. If permission is granted for this change of use the intention is to close the other units.

**Relevant Planning History**

NOTICE/0021/19 - Application for permitted development for prior approval for change of use from offices (Use Class B1a) to 8no. residential units (Use Class C3) on first and second floors – approved

AWDM/0191/20 - Approval of Details Reserved by Condition 3: Details of Sound Insulation of Application Ref: Notice/0021/19.

**Consultations**

**West Sussex County Council:** The **Highways Authority** has no objection. West Sussex County Council was consulted previously on Highways Matters for this location under planning application ref: NOTICE/0021/19 that sought approval for prior approval for change of use from offices (Use Class B1a) to 8no. residential units (Use Class C3) on first and second floor. No highways objections were raised and this application was subsequently granted planning permission.

This proposal is for change of use of ground floor from bank (Use Class A2) to betting shop (Sui Generis). The site is located on High Street (A259) which is an A-classified road subject to 30mph speed restrictions. The proposed plans do not indicate access or parking arrangements associated with the proposal.

The Local Highway Authority (LHA) has reviewed data supplied to WSCC by Sussex Police over a period of the last five years. There has been several recorded injury accidents within the vicinity of the site. However, from an inspection of accident data it is clear that these were not due to any defect with the road layout.

The proposed shop will operate every day, including bank holiday, from 08:00 – 22:00h. The hours of operation will be longer when compared to the current use, however taking into account the existing permitted A2 usage in terms of highway safety and level of activity of the site; it is unlikely that this change of use to betting shop Sui Generis would have an adverse impact on the local highway network. Therefore, no capacity concerns would be raised.

It is not clear if some of the parking spaces to the rear will be allocated to the proposed betting shop; therefore this application is assessed based on nil cars parking provision. The proposal will result in 2 full time and 4 part time employees. The current WSCC Car Parking Guidance does not include a parking demand for Sui Generis use, however it would not be unreasonable to assume that some parking provision would be required. Given that the site is located in a sustainable location and there are comprehensive parking restrictions prohibiting vehicles from parking in places that would be detrimental to highway safety, the LHA would not consider that highway safety would be detrimentally affected through the proposed nil car parking provision. The Planning Authority may wish to consider the potential impacts of this development on on-street car parking.

The site benefits from being situated in a sustainable location in a close proximity to bus stops that provide services to Brighton and Rottingdean. Shoreham by Sea train station is approximately 7 min walk.

Conclusion

The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts 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.

**Adur and Worthing Councils:** The **Environmental Health** Officer has no objections. The insulation between the ground and upper floors we have previously approved is more than good enough.

**Sussex Police:** Have no major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends and site specific requirements should be considered.

Have some concerns that the proposed trading hours of the betting shop until 22.00 hours Monday - Sunday may cause unreasonable harm to the amenity of adjoining residential properties, through noise and activity at unsocial hours due to customers congregating outside the premises whilst smoking. An earlier closing time should be considered.

Recommend that all doors and easily accessible windows conform to a minimum standard of at least PAS 24-2016 or its equivalent and are checked to ensure they are adequate and fit for purpose. In order to protect the premises out of hours, recommend a monitored intruder alarm system is fitted. From a crime prevention perspective thought should be also given to site security including the siting of CCTV.CCTV acts as a visual deterrent and can assist in potential offender identification should a crime occur.
Response from applicant: 1. The officer notes he is concerned about the proposed opening hours of the new betting shop. He may not be aware but the current Ladbrokes unit which has traded from nearby premises at 43 High Street, has operated with the same proposing opening hours for many years with no issues relating to unsocial gatherings or anti-social disturbances. The proposed new unit is also located in close proximity to several public houses, restaurants and takeaways, all of which have later closing times and are far more likely to be subject to alcohol-related disturbances than the betting office use, which is prohibited from serving alcohol under strict licence and has a relatively limited capacity for customers. As such we trust that the same opening hours as the existing unit can be supported at the application site.

2. We can confirm that CCTV and a security alarm will be installed at the subject unit should consent be granted

**Representations**

None received

**Relevant Planning Policies**

Adur Local Plan 2017 Policy 11, 15, 17, 27
National Planning Policy Framework (February 2019)

**Planning Assessment**

**Principle**

The site is located within the Primary Shopping Area (Policy 27 of the Adur Local Plan) and lies within zone 8 which has a Secondary Retail Frontage (Policy 11). Policy 11 states that within this secondary frontage the following uses will be acceptable at ground floor level:

"*A1 (shops), A2 (financial and professional services), A3 (food and drink), A4 (drinking establishments) A5 (hot food takeaways) and appropriate D1 (non-residential institutions) uses. Any other uses will be resisted*."

As such, a sui generis use would normally be resisted. However, it is noted that the proposed betting office would be replacing two others in the town and that there would be an overall net reduction from three to one such premises.

The existing use is already non retail so no loss of retail will occur as a result of this application.

Marketing evidence has been provided by the applicant which states:

"*SHW (estate agent) have been involved with this unit for many years. The latest started in January 2019 when we were instructed on a Lease renewal with Santander. Unfortunately they made the decision to close this branch and we were therefore asked to commence marketing on both a Lease and Freehold basis.*

*In February 2019 I was in discussions with agents acting on behalf of a National Coffee Franchise. However, despite early interest, it was deemed to be on the wrong side of the road and so their interest ended.*

*We then had various parties, all local look at this for A3 Restaurant use. They were local and the costs were a factor, despite our client at the time happy to support a change of use application. A coffee operator from Brighton looked, as they wanted another and lived on Shoreham Beach, unfortunately it was too large and again on the wrong side of the road.*

*A local Private Gym inspected as well.*

*I also met Catherine Arnold a local Councillor who represented many local retailers. I met Catherine and others in July 2019 however, after the viewing no more was heard.*

*The only other interest bar that from Ladbrokes was for a Plastic Free Deli convenience store. They viewed but decided not to proceed.*

*We had been in discussions with Ladbrokes since August 2019 in the proceeding months the unit was kept on the market and in January 2020 a second agent was also brought on board. As far as I am aware they have had no interest.*

*The unit has remained on the market with Board up stating To Let, but no further interest has been received.*"

On balance, while the sui generis use is not policy compliant, it is considered that the material considerations referred to above justify the granting of permission for the change of use in principle. The use will ensure that a large unit in the High Street, which has sat empty for a year, will be occupied and generate footfall to the town centre.

**Visual amenity**

The proposal will not involve any changes to the shopfront other than the signage considered in a separate application. Internally, the shopfront will have a display of posters which will provide some interest in views from the street.

**Residential amenity**

The proposed opening hours are 8am-10pm every day. As stated above, these are the same hours as those operated by the existing Ladbrokes unit a few units down the street. The site is also located in close proximity to several public houses, restaurants and takeaways, all of which have later closing times and are more likely to be subject to alcohol-related disturbances than

the betting office use, which is prohibited from serving alcohol under strict licence and has a relatively limited capacity for customers.

An earlier application to convert the upper floors to residential use included a sound insulation scheme to protect the future residents from noise from the commercial use below. On that basis the EHO has no objection.

**Recommendation**

**APPROVE**

**Subject to Conditions:-**

1. Approved Plans
2. Standard 3 year time limit
3. Hours 8am-10pm every day

**Is recommendation contrary to letter(s) of representation? N**

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.

Case Officer: Peter Barnett Date: 4 June 2020

Authorised by: Gary Peck Date: 4 June 2020