Development Control – Delegated Officer Report

Application Number: AWDM/0770/14 **Recommendation – REFUSE**

Site: **61 North Road Lancing West Sussex BN15 9AS**

Proposal: **Change of use from use class A1 (shop) to use class A2 (financial and professional services)**

Date of site visit: 08.07.2014

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

The application property comprises a mid-terrace ground-floor shop unit (59sqm gross internal area) within a 2-storey building located on the west side of North Road within Lancing town centre. The shop is currently a Jeweller's shop 'Facets'. There is a residential flat on the first-floor with self-contained access from North Road.

Permission is sought for a change of use to an estate agents office (Class A2 – Financial and Professional Services).

Consultations: Lancing Parish Council has no objection commenting that the proposed use is preferable to an empty retail unit.

Representations: A representation has been received on behalf of a nearby commercial occupier expressing concern at the proliferation of betting shops close to the site and in town centre locations generally and requesting that an permission is restrict to allow use as an estate agent only. Reference is made to the Ministerial Statement setting out the Government's intention to removal betting shops from the A2 Use Class.

An objection has been received from a local resident commenting that both the Councils and community are working hard to enhance the heart of Lancing Village as set out in the BDP Vision document and turning retail into office space will not encourage investment by other retailers which is badly needed if the high street is to survive.

Relevant Planning Policies

Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AS1
Lancing Village Vision 2012
National Planning Policy Framework (CLG 2012).

Planning Assessment

Principle

The application premises is subject to saved policy AS1 which states that development which involves the loss of existing shopping provision (Use Classes A1 and A3) will not be permitted if the proposal is likely to detract from the character and vitality of the area.

The site is within the 'Village Heart' where the Lancing Vision seeks to strengthen and focus town uses (including Classes A1, A2 and A3) to ensure that it becomes 'rich with activity' whilst encouraging a more restrictive approach to such uses outside the identified 'activity zones' (village heart, seaside and Crabtree Lane).

Although the revised Draft Adur Local Plan currently carries little or no weight as a material consideration in the determination of planning applications, it builds on the Lancing Vision and identifies primary and secondary shopping frontages in Lancing town centre to ensure that appropriate town centre uses are retained and improved in order that the centre continues to meet the needs of residents. This emerging policy approach and identification of primary and secondary frontages is based on a relatively up-to-date retail study by DTZ (2012). The site is located within the identified 'primary frontage' subject to revised draft policy 9 which seeks to restrict non retail uses. This is considered a necessary policy approach needed to maintain and enhance a healthy and vibrant town centre and is consistent with national planning policy (paragraph 23 of the NPPF) which states local planning authorities should "*define the extent of town centres and primary shopping area, based on a clear definition of primary and secondary frontages in designated centres and set policies which make it clear which uses will be permitted in such locations*."

The framework of existing and emerging policy is clear that whilst a mix of uses can contribute to a vibrant and successful shopping area, it is important that primary shopping frontages do not lose their mainly shopping (Class A1) role and character. Maintaining a concentration of retail use choice is fundamental to this approach.

Notwithstanding this, since the economic downturn the Council has generally taken a pragmatic approach to the depressed economic climate and concerns over long term vacancy. The shop unit is currently occupied by a jeweller's although understood to be 'closing down'. However, no evidence has been submitted with the application to assert that there is a lack of demand for retail premises in this part of Lancing centre. It is of note that there are no vacancies at present in this stretch of shopping frontage between Penstone Park to the south and Culver Road to the north (albeit that 2 of the existing units are occupied by charity shops). It is recognised that trading conditions are difficult for retailers but the location of the premises means that it would not necessarily fail to attract an alternative retail tenant.

Consideration has been given to the fact that the provisions of the GPDO (Part 4, Class D) allow for a temporary change of use of this small shop unit to Class A2 for a period up to 2 years. However, the application falls to be considered on its merits in accordance with the provisions of the adopted Development Plan which is in conformity with national planning policy, and is

important to the realisation of the long terms objectives and ambitions for Lancing as having a thriving and vibrant town centre.

Visual amenity

No external alterations to the existing shop front are proposed as part of this application.

Residential amenity

There are residential occupiers on the first-floor above the shop unit. No hours of use have been stipulated on the application forms by the proposed future estates agents. Some degree of activity and associated noise could reasonably be expected in this town centre location, even at weekends. However, late evening use could be controlled by a condition of planning permission.

Highway Issues

It is not anticipated that the proposed A2 use would generate additional traffic or a different pattern of vehicle movements than the existing retail use. There is provision for parking on-street nearby and a shopper's car park in North Farm Road.

Recommendation

REFUSE for the reason:-

The proposal would result in the loss of a retail unit within the main shopping street of Lancing town centre and would weaken the retail integrity and shopping character of this key shopping frontage. Whilst the need to promote competitive town centre environments is recognised, this should not be at the expense of vitality and viability in the longer term. In this instance it is considered the proposed Class A2 use would be harmful to the shopping character and function of Lancing town centre and therefore conflicts with the saved policy AS1 of the Adur District Local Plan and the NPPF.

Informative

1. This decision relates to Drawings 1 and 2 received on 4 July 2014.
2. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason for refusal.

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

Case Officer: Jo Morin Date: 24 July 2014

Authorised by: P Devonport Date: 24.7.14