PLANNING APPLICATION REPORT

REF NO: **BE/108/09/**

LOCATION: Unit E
Arun Retail Park
Shripney Road Bognor Regis

PROPOSAL: Renewal of unimplemented planning permission BE/137/06/ for change of use of unit E from use for retail sale of motor spares and MOT testing and servicing facilities to retail (Class A1) use.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The proposal is to renew planning permission BE/137/06/ which was granted on 15th February 2007 for the change of use of Unit E from use for retail sale of motor spares and MOT testing and servicing facilities to retail (Class A1) use. Condition 1 attached to the permission requires that the development permitted be begun before the expiration of three years from the date of the permission, that is before the 15th February 2010. The applicants are seeking a renewal of the permission for a further five years.
SITE AREA	715 sq m
RESIDENTIAL DEVELOPMENT DEN	N/A
TOPOGRAPHY	Predominantly flat
TREES	Two small trees in highway verge to front of site.
BOUNDARY TREATMENT	None
SITE CHARACTERISTICS	End unit of retail park - Used by Kwik Fit for tyres, batteries, exhausts etc.
CHARACTER OF LOCALITY	Retail Park - Comet, Carpet Right and B and Q

RELEVANT SITE HISTORY

BE/273/88	Use of unit D for retail sales of motor accessories and spares with MOT testing and servicing facilities	Approve Cond 16-01-1989
BE/137/06/	Change of use of Unit E from use for retail sale of motor spares and MOT testing and servicing facilities to retail (class A1) use	Approve Cond 15-02-2007

REPRESENTATIONS

Representations received:

Bersted Parish Council

No objections

Comments on Representations received:

None

CONSULTATIONS

Consultations responses received:

None

Comments on Consultation responses:

None

POLICY CONTEXT

Designation applicable to site:

Within Built-Up Area
Class 'A' Road

DEVELOPMENT PLAN POLICIES

South East Plan:		
Arun District Local Plan:	GEN7	The Form of New Development
	DEV27	Retail Development Outside the Principal Shopping Areas

PLANNING POLICY GUIDANCE

PPS1	Delivering Sustainable Development
PPS6	Planning for Town Centres

POLICY COMMENTARY

The above policies combine to describe the criteria against which the application will be assessed particularly with regard to whether the change of use to A1 will have a detrimental effect on the vitality or viability of the town centre.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that it would have no materially adverse effect on the vitality or viability of the town centre.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

The site lies within the built-up area as defined in the Arun District Local Plan where the principle of development is normally acceptable unless Development Control criteria indicate otherwise.

On the previous planning application reference BE/137/06/, The District Council's retail consultant questioned a number of the assumptions made by the agents with regards to the impact of the proposals on the town centre and its compliance with PPS6 - Planning for Town Centres. He did not object to the proposals. The applicants' agent has explained the reasons why they consider that proposals are compliant with PPS6 in that:-

(a)the proposal will not have any significant impact on the town centre, especially in the DTZ Report commissioned by the Council indicates the need for more retail floorspace; and

(b)PPS6 in regards to the sequential test advises that Local Planning Authorities should be pragmatic and realistic in considering whether other sites are available.

It was concluded by officers that on balance taking into account both the District Council's Retail Consultants view and the applicant's views it is considered that as this is an existing unit, previously granted planning permission for a Retail A1 use, that its use as A1 would not have a material impact on the viability and vitality of the town centre.

The present planning application is to renew that permission. The change of use has not been carried out. There has been no material change in planning circumstances since the grant of the original planning permission.

The applicants have requested an extension of time on the application for a five year period because of the present economic circumstances. It is considered this is reasonable in this case. They state that this is because of the ongoing uncertainty over the length of current economic conditions which means that there are continuing uncertainties in negotiations with tenants in the short term, and from an assessment management point of view have a period of certainty which extends beyond the expected end of the very difficult trading conditions which currently prevail.

Condition 2 of the original planning permission restricted the use of the premises to a bulky goods store, and was worded in such a way that was consistent with other units on the retail estates in the area. In April 2008, the Local Planning Authority were advised by its Retail Consultants on another application in the area that the wording of this condition was out of date, and since that time a new condition has been imposed, including on another unit on this estate.

It is, therefore, recommended that the application be approved subject to a Condition stating the time period for the development to be commenced being five years and an updated 'bulky goods' Condition.

RECOMMENDATION

APPROVE CONDITIONALLY

1 The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as

amended).

2 The retail warehouse hereby permitted shall not be used otherwise than for the sale of furniture and floor coverings; domestic electrical and gas appliances; cycles and cycle parts and accessories; pets and pet supplies; stationary and office supplies and equipment; hardware, DIY goods and decorators' supplies, and garden products; and goods and services for the repair and maintenance of motor vehicles; and for no other purpose (including any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 2005, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To protect the vitality and viability of the town centre and the prospect of town centre developments in accordance with PPS6 and