



PLANNING STATEMENT

21 SEPTEMBER 2020

SITE: 77 ALDWICK ROAD, BOGNOR REGIS, WEST SUSSEX, PO21 2NW

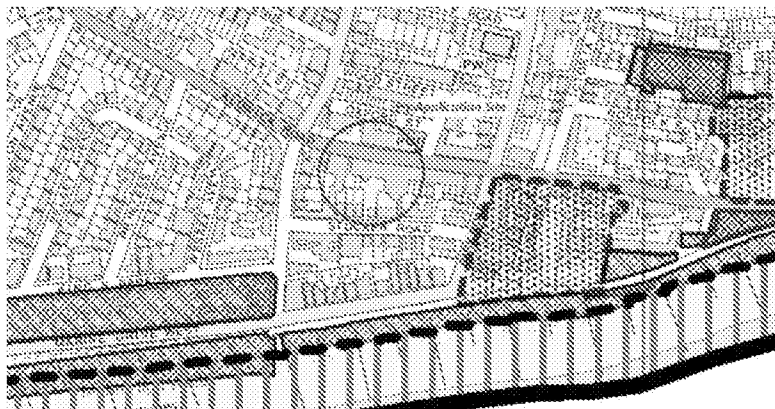
PROJECT: CHANGE OF USE OF GROUND FLOOR SHOP PREMISES FROM LAUNDERETTE (SUI GENERIS) TO CLASS E

CLIENT: MR SIMON ROYALL OF MONAIRIT PROPERTIES LIMITED

LPA: ARUN DISTRICT COUNCIL

1.0 SITE CHARACTERISTICS & POLICY CONSTRAINTS

- 1.1.1 The application site comprises of a ground floor unit within a three-storey mixed use building fronting onto Aldwick Road (formerly known as Blackmill Buildings). The unit was formerly occupied by Hydrotech Cleaners as a launderette / dry cleaners. This part of the site therefore had an established use class of sui generis (the Latin for 'of its own kind').
- 1.1.2 The site forms part of an undefined retail frontage within the village / suburban centre of Aldwick (paragraph 9.1.6 of the Local Plan). A copy of the local plan policies map is below:



- 1.1.3 The site is not located within a conservation area and is not part of a designated heritage asset. The site is not within a flood sensitive location. There are no article 4 directions on the site or the wider area encompassing the site that prevent the use of permitted development.
- 1.1.4 The wider area in which the site is located comprises of a large and varied mix of formerly A class uses, such as shops, supermarkets, takeaways, estate and letting agents. There is also a number of other uses within the area, including private business offices and a car showroom.

2.0 PLANNING LEGISLATION AND POLICY

2.1 THE STATUTORY LEGISLATION

2.1.1 The following statutory instruments form the legislative basis for the lawful processing and determination of a planning application made to the Local Planning Authority:

- Town and Country Planning Act 1990
- Planning and Compulsory Purchase Order 2004
- Town and Country Planning (Development Management Procedure) Order 2015

2.1.2 It is also necessary to consider the implications of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, which has brought about a new Class E encompassing several previous A uses, uses previously falling within B1, and certain indoor leisure and health uses formally under D1 and D2 use classes.

2.2 NATIONAL PLANNING POLICY FRAMEWORK (2019)

2.2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 establishes that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Section 1 of the National Planning Policy Framework (NPPF), which was published in July 2018, sets out that the NPPF must be taken into account in the preparation of development plans, and that it represents government policy that is material in planning decisions.

2.2.2 Section 2 of the NPPF (2018) establishes the government's policy on achieving sustainable development. Within this section is the definition of sustainable development under paragraph 8, and the presumption in favour of sustainable development under paragraph 11. On the basis that the policies of the local plan are up to date, the application falls to be considered under paragraph 11 (c) of the NPPF (2019), which reads as follows:

For decision taking this means...

- (c) *approving development proposals that accord with an up-to-date development plan without delay*

2.2.3 Paragraph 85 of the NPPF (2019) is an important policy that is directly relevant to this application for a change of use to a range of retail, leisure and employment uses:

85. *Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should: a) define a network and hierarchy of town centres and **promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries**, allows a suitable mix of uses (including housing) and reflects their distinctive characters; (our bold highlight and underlining)*

2.3 THE DEVELOPMENT PLAN

- 2.3.1 The development plan for the purposes of decision-taking in Arun comprises of the recently adopted Local Plan in 2018 (2011 to 2031). Those policies considered to be relevant to this application are contained in the table below (please note that this list is not exhaustive).

Arun District Council – Local Plan (2018)	
Policy Ref:	Policy Description:
SD SP1	Sustainable Development
SD SP1A	Strategic Approach
RET DM1	Retail Development
EMP SP1	Strategic Economic Growth
EMP DM1	Employment Land: Development Management
D SP1	Design
HWB SP1	Health and Wellbeing
T SP1	Transport

2.4 BOGNOR REGIS NEIGHBOURHOOD PLAN

- 2.4.1 The application site is located on the western fringe of Bognor Regis and is therefore subject to the policies of the Bognor Regis Neighbourhood Plan (2015) (NP). The NP broadly aligns with ADC's local plan and sets out the various objectives for the development and improvement of the local area. With regards to a change of use application to provide a retail or similar use on the application site, the plan lists one of its key objectives for the area as follows:

OBJECTIVE 2 *To enable and promote a broad array of amenities, local services and facilities. This includes all weather leisure and cultural facilities, shops, restaurants and cafes which encourage visitors and local people to stay longer, return regularly and reduce the need to travel to other places.*

3.0 PLANNING APPRAISAL

3.1 PRINCIPLE OF DEVELOPMENT

- 3.1.1 In accordance with paragraph 9.1.6 of the local plan, the application site is located within the Village / Suburban Centre of Aldwick. Policy RET SP1 defines this policy constraint as follows:

Village and Suburban Centres

Village and suburban centres, including shopping parades and stand alone shops form an important resource for businesses, visitors and residents. The expansion and additional provision of such facilities to a scale appropriate to the existing settlement or the planned expansion of that settlement will be welcomed by the Council provided that it adds to the range and accessibility of goods and services.

- 3.1.2 The development management policies that support SP1 provide an objective for the protection of existing units within a retail use, and policy DM1 requires evidence of a lack of viability before proposals to remove established retail uses within villages such as Aldwick are permitted. A brief review of the village of Aldwick shows that the vitality of the centre is in a good health, with key anchor units (such as Tesco's) in place, and many smaller retail units still evident and in occupation notwithstanding the current pandemic.
- 3.1.3 77 Aldwick Road was formerly in use as a launderette / dry cleaner before the business closed. The property now lies vacant albeit the established land use of *sui generis* (i.e. 'of its own kind') remains. Because the established use of the premises falls within its own use class, and is not defined as a retail use, it is evident that the loss of this unit does not constitute a breach of policies RET SP1 or RET DM1. The loss of the launderette / dry cleaner is therefore acceptable and in accordance with the policies of the development plan.
- 3.1.4 Since 01 September 2020, when the new legislation relating to a change to the use classes order was brought into force under the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, there now no longer exists any specific use class for retail (i.e. formerly A1).
- 3.1.5 Instead, there is only a single use class in place (Class E), and this encompasses all of the following former land use classes:
- A1**, retail
 - A2**, financial and professional services
 - A3**, restaurants
 - B1(a)**, offices to carry out any operational or administrative functions
 - B1(b)**, research and development of products or processes
 - B1(c)**, industrial processes (compatible with a residential area)
 - D1 & D2**, indoor sport, recreation or fitness (not involving motorised vehicles or firearms), provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner), creche, day nursery or day centre (not including a residential use).
- 3.1.6 The proposed development the subject of this application therefore seeks to put the former launderette into a single use class that includes all of the activities and businesses that operate under the list within paragraph 3.1.5 above. It is expected that this would be a retail use, however there is no reason why it could not also relate to another employment generating use class, such as offices, indoor leisure and recreation, or a medical / health service.

- 3.1.7 Section 55(2)(f) of the Town and Country Planning Act 1990 enforces the legal position whereby any change within a single use class does not amount to development, and therefore no planning permission is required. This application, requesting a change of use to the new Class E, would allow for the use of the property for any of the above uses, and ensures that no development is carried out from moving activities within the same use class.
- 3.1.8 As the proposed change of use does not result in the loss of any retail floor space within the village centre, there is no sustainable reason as to why the Local Planning Authority should seek to limit the use of the property either now, or by condition in future, to anything other than a full and unfettered Class E.
- 3.1.9 There are no uses within the new Class E that would be deemed to be inappropriate for a village centre location, having in mind the intention behind the legislation and the way in which it has been brought into force under a single use class. The intention of which was to provide flexibility and continued employment to traditional shopping areas where retail protection policies would otherwise not work or would slow and inhibit necessary changes.
- 3.1.10 The use of the premises for any of the activities listed under paragraph 3.1.5 above would ordinarily be permitted for any other unit within the existing village centre (other than a *sui-generis* use), and its change of use in this case would allow for the continued occupation of 77 Aldwick Road, and will ensure that it maintains its contribution to the character of the area and vitality of the village centre.
- 3.1.11 The application is in accordance with policies RET SP1 and RET DM1 and we hereby request that an unfettered planning permission be granted to enable the use of the property to be transferred to the new Class E without delay. This will bring back into use an existing empty property within the village of Aldwick.

Report Prepared by:

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Planning Director

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