

Our ref. : AB1865/LPA150219

Planning Services
Arun District Council
Civic Centre
Littlehampton
West Sussex
BN17 5LF

15th February 2019

Dear Sir/Madam,

FULL PLANNING APPLICATION – 4 BROADMARK PARADE, BROADMARK LANE, RUSTINGTON, BN16 2NE

Please find enclosed a full planning application being submitted to Arun District Council (the LPA) relating to the ground floor commercial premises at 4 Broadmark Parade, Broadmark Lane, Rustington, BN16 2NE.

This planning application comprises the following documentation, and is being submitted electronically via the Planning Portal;

- Completed application forms and ownership certificates
- Completed Community Infrastructure Levy (CIL) form.
- This covering letter prepared by Beamish Planning Consultancy, incorporating a supporting planning statement.
- Delivery and Servicing Plan (dated February 2019) prepared by mode transport planning.
- Planning Application Information – Mechanical Ventilation and Environmental Control Equipment prepared by Ashworth UK.
- Acoustic Assessment prepared by Ned Johnson Acoustic Consultants.
- Details of marketing provided by Michael Jones & Company.
- 1:1250 scale OS plan with the application site outlined in red.
- Drawing No. 2940/PL099 – existing floor plans prepared by Hone Edwards Associates.
- Drawing No. 2940/PL100 Rev. A – proposed ground floor plan prepared by Hone Edwards Associates.
- Drawing No. 2940/PL101 Rev. A – proposed first floor plan prepared by Hone Edwards Associates.
- Drawing No. 2940/PL125 – proposed roof plan prepared by Hone Edwards Associates.
- Drawing No. 2940/PL210 – existing elevations prepared by Hone Edwards Associates.
- Drawing No. 2940/PL211 Rev. A – proposed elevations prepared by Hone Edwards Associates.
- Drawing No. 0000/M/101 Rev. B – proposed roof plant and side elevation showing proposed plant and extraction equipment prepared by Ashworth UK.
- Drawing No. 0000/M/102 Rev. B – proposed rear elevation showing proposed plant and extraction equipment prepared by Ashworth UK.

Payment of the statutory application fee of £462 has been made electronically when submitting this application via the Planning Portal.

ADDRESS ~ 33 HOLLAND GARDENS, BRENTFORD, TW8 0BE
PHONE ~
EMAIL ~

Description of application premises and surrounding area

The application premises comprise the ground floor of a two-storey terraced building located on Broadmark Parade, Broadmark Lane in the town of Rustington, which is designated as a 'Local Service Centre'. Broadmark Parade itself is designated as 'secondary shopping frontage', and this designated frontage comprises a total of 17 ground floor commercial use in a variety of 'A' class uses.

The application premises are currently vacant, having been previously in use until October 2017 as an A1 retail shop, which is also the lawful use of the premises. The lawful use of the upper floor is as a self-contained flat, accessed by way of an external staircase to the rear. A private access road, accessed from Ash Lane, runs parallel to the rear of the site and the other buildings within Broadmark Parade, providing parking and servicing areas for those buildings.

The surrounding area is characterised by commercial uses at ground floor level with ancillary commercial floorspace or residential above. The neighbouring premises to the south, no. 5 Broadmark Parade, is occupied by an Oxfam charity shop (Use Class A1), whilst the premises to the north, no. 3 Broadmark Parade, is occupied by Highdown Carpets (Use Class A1). To the east of the rear access road lies a shoppers car park associated with the Waitrose store that lies immediately to the rear of Broadmark Parade.

The application premises and Broadmark Parade as a whole front (to the west) the traffic light controlled junction of Ash Lane / The Street (the B2140 road) and Broadmark Lane, with double yellow lines on both sides of the carriageway in all directions.

Within 300 metres of the application premises are bus stops on both The Street and Ash Lane served by local bus services includes the 9 and 12 services, whilst the nearest station is Angmering, either 20 minutes walk or a 10 minute bus ride from the premises.

Proposals which are the subject of this planning application

Planning permission is sought for the change of use of the currently vacant application premises from its lawful use as a retail unit (Unit A1) to a mixed restaurant and hot food takeaway use (Use Class A3/A5).

It is anticipated that the proposed use will provide around 24 covers and employ up to 25 full-time and part-time staff. It is proposed that the restaurant and hot food takeaway will be open for business from 10.30 to 23.00 on each day of the week.

In conjunction with the proposed change of use, a single storey rear extension is proposed, providing approximately 68 square metres of additional floorspace. Additionally, a new plant and extraction system/equipment is proposed, as detailed within the document entitled 'Planning Consent Information – Mechanical Ventilation and Environmental Control Equipment' and associated drawing nos. 0000/M/101 Rev. B and 0000/M/102 Rev. B. The application submission also includes the results of a noise survey and associated acoustic assessment of the proposed plant, prepared by Ned Johnson Acoustic Consultants.

Refuse and recycling collections will be achieved from the access road which runs parallel to the rear of the application site, whilst it is envisaged that deliveries will be undertaken from the retail frontage of The Street, to the south-west of the application site. Full details of the proposed delivery and servicing arrangements are detailed within the accompany Delivery and Servicing Plan (D&SP) prepared by mode transport planning.

A replacement shopfront incorporating brick tiles and aluminium framing is also, proposed, as detailed on accompanying drawing no. 2940/PL211 Rev. A. Finally, for the avoidance of doubt, no changes are proposed to the self-contained first floor residential flat, but for the sake of completeness it has been shown on the submitted plans.

ADDRESS ~ 33 HOLLAND GARDENS, BRENTFORD, TW8 0BE

PHONE ~

EMAIL ~

Relevant planning history of application site and immediate surroundings

The only recent planning history relating to the application site dates back to June 2010, when planning permission (ref. R/67/10) was granted by the LPA for the change of use of the ground floor from Use Class A1 (retail) to A2 (financial and professional services). However, this permission was never subsequently implemented and has now lapsed.

With regards to other premises near to the application site, in October 2014 the LPA granted planning permission for the change of use of the ground floor unit at nos. 1 and 2 Broadmark Parade from Use Class A1 (retail) to A2 (financial and professional services), and this permission was subsequently implemented.

In April 2016, planning permission was granted by the LPA (application ref. R/303/15/PL) for the change of use of no. 9 Broadmark Parade from Use Class A1 (retail) to A5 (hot food takeaway), incorporating a single storey rear extension, the installation of a ventilation system and parking to the rear.

Associated with planning application ref. R/303/15/PL, in October 2016 express advertisement consent (application ref. R/220/16/A) was granted by the LPA for internally illuminated fascia and hanging signage, whilst in August 2016 the LPA approved a non-material amendment application (ref. R/196/16/NMA) relating to the repositioning of the proposed entrance door.

This approved, change of use, along with the associated operational development and signage, has been implemented and is now actively trading.

Relevant planning policies and associated guidance

At local level, the Development Plan for the application site and the surrounding area currently comprises the Arun Local Plan 2011 – 2031, which was formally adopted by the LPA in July 2018.

At national level, the updated National Planning Policy Framework (NPPF) was published by the Government in July 2018 (updating the original NPPF published in March 2012), following public consultation, and streamlines previous national planning policy into a consolidated set of priorities, to ensure that planning decisions reflect genuine national objectives, with the principle of sustainable development permeating the framework.

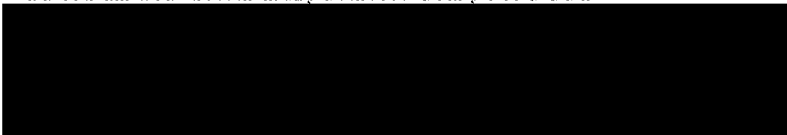
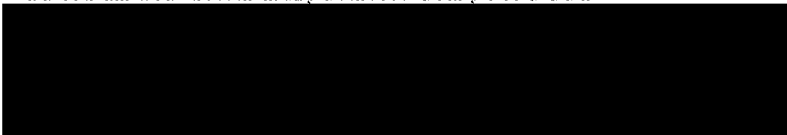
The National Planning Policy Guidance (NPPG) was launched by the Government in March 2014 and also streamlines previously published national guidance, which had taken the form of planning policy guidance notes and planning policy statements, into a single document.

Planning Appraisal

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that, 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.

Given that the proposals relate to a change of use of the application premises, which fall within designated secondary shopping frontage, from its lawful use as an A1 (retail) unit to a mixed restaurant and hot food takeaway use (mixed A3/A5 use), the key development plan policy of relevance to these proposals is policy RET DM1 (Retail Development), which states that, with regard to town centre uses within primary and secondary shopping frontages, ;

'Along the primary or secondary shopping frontages, as defined on the Proposals Map, proposals for retail (Use Class A1) will be permitted. Proposals for financial and professional services (Use Class A2) uses and food and drink premises (Use Class A3) will be permitted provided that ;

ADDRESS ~ 33 HOLLAND GARDENS, BRENTFORD, TW8 0BE
PHONE ~ 
EMAIL ~ 

- *The proposal would not create a concentration of non-retail uses to the detriment of the vitality of the town centre ;*
- *Provision is made for a window display, appropriate to a shop front, which is in keeping with the character of the shopping centre ; and*
- *There is no detrimental effect on the character or amenities of the area through smell, litter or noise.*

The Council will require evidence that the unit has not been made deliberately unviable, that marketing has been actively conducted for a reasonable period of time and that alternative retail uses have been fully explored.'

Firstly, although this policy does not expressly refer to A5 (hot food takeaway) uses, nor indeed to A4 (public house) uses, the glossary (Annex 2) to the National Planning Policy Framework (NPPF) defines such uses, and all other retail uses, as comprises 'main town centre uses' and therefore (coupled with the absence of any other adopted local policies relating to such uses) the provisions of this policy are directly relevant to these proposals.

Indeed, the NPPF directs such uses towards designated centres, as also reflected by adopted Local Plan policy RET SP1 (Hierarchy of Town Centres), which seeks to maintain Rustington's role as a centre providing a good range of shops serving the local population, together with a range of other services and facilities.

Having regard to the specific policy criteria set out in adopted policy RET DM1, the proposals would not create a concentration of non-retail uses to the detriment of the vitality of the town centre. Currently within this stretch of designated secondary shopping frontage, 6 of the 17 units are in non-retail use, and the current proposals would increase this to 7, or 41%. Both adjoining premises are in lawful A1 retail usage, and the Domino's at no. 9 is the only premises within the designated frontage which offers A5 usage (whilst the proposed use would comprise a mixed A3/A5 use).

Furthermore, as required by the policy, marketing evidence is provided by way of the detailed attached correspondence from Michael Jones & Company. This evidence demonstrates that the application premises have been marketed from October 2017 onwards, and indeed continue to be marketed. During that 15 month period, although 20 potential occupiers have views the premises, no offers have been received, despite the fact that the premises have been marketed at an appropriate rental level, as demonstrated by the comparisons provided within the evidence.

This unsuccessful marketing has led the agents to conclude that there is a lack of demand for an A1 retail unit in this location, and the agents surmise this is both due to the fact that the premises require significant modernisation, and also the fact that most A1 markets are already covered by existing retail operators within the locality.

Going back to the specific policy criteria, the proposals incorporate the provision of a replacement shopfront, the design and appearance of which will be in keeping with the design and appearance of Broadmark Parade as a whole, according with adopted Local Plan policies D SP1 (Design) and D DM1 (Aspects of Form and Design Quality).

Furthermore of course, given the premises has been vacant for over 15 months, the proposals will restore an active frontage, thereby contributing positively to the vitality and viability of the designated Local Service Centre of Rustington.

In addition to the proposed single storey rear extension, the proportions of which are very similar to the rear extension approved at 9 Broadmark Parade in April 2016, the proposals also incorporate new extract and plant equipment, which has been sensitively designed to minimise any external impact, being located out of public view to the rear of the premises, and it will not have any adverse impact upon the application building or surrounding buildings, nor upon the amenities enjoyed by the occupiers of the existing first floor residential units within Broadmark Parade. This is demonstrated by the accompanying Acoustic Assessment for Proposed Fixed Plant prepared by Ned Johnson Acoustic Consultants, with that assessment proposing appropriate mitigation measures.

ADDRESS ~ 33 HOLLAND GARDENS, BRENTFORD, TW8 0BE

PHONE ~

EMAIL ~

The proposed opening hours are also very similar to those of the existing A5 use at no. 9 Broadmark Parade, and are intended to represent an appropriate compromise between the commercial requirements of the operator and the residential amenities of the occupiers of the flats above the ground floor commercial premises within Broadmark Parade.

Consequently, the proposals will not have a detrimental impact upon the character of amenities of the surrounding areas by reason of smell, litter or noise., in accordance with adopted Local Plan policies RET DM1 and QE SP1 (Quality of the Environment) and QE DM1 (Noise Pollution).

In respect of traffic and highway considerations, the premises do not benefit from any off-street parking, as nor do virtually all other commercial premises within the surrounding area. However, there is considerable parking available within a short walk of the premises, and the premises is also within 5 minutes walk of bus stops served by local bus services. The accompanying Delivery and Servicing Plan prepared by mode transport planning also provides a robust demonstration as to how the premises will be serviced, and therefore the proposals also accord with the provisions of adopted Local Plan policy T SP1 (Transport and Development) and T DM1 (Sustainable Travel and Public Rights of Way), as well as national planning policy guidance as set out in the NPPF and NPPG.

Conclusion

For the reasons set out within this planning application submission, the proposed change of use of the application premises to a mixed restaurant and hot food takeaway (mixed A3/A5) use would accord with relevant planning policies, including, in particular, adopted Local Plan policy RET DM1.

Thorough marketing evidence has been provided which demonstrates that there is no realistic likelihood of the premises being occupied by another A1 retail user, having regard to the absence of any offers after 15 months marketing, and the change of use of the premises to a mixed A3/A5 use would restore an active frontage (within an area of designated secondary shopping frontage) and contribute positively to the vitality and viability of a designated Local Service Centre.

Additionally, as fully appraised within this application submission, the associated operational development also accords with adopted local and regional development plan policies, as well as relevant national guidance as set out in the NPPF and NPPG.

Accordingly, planning permission should be granted for these proposals, subject to the imposition of appropriate, necessary and reasonable conditions, the content of which we welcome discussions with the Case Officer regarding in due course.

I look forward to corresponding with the Case Officer to whom this planning application is allocated in the coming weeks, but in the meantime should any further information or clarification be required please do not hesitate to contact me.

Yours faithfully,

BA (Hons), DIP TRP, MRTPI

ADDRESS ~ 33 HOLLAND GARDENS, BRENTFORD, TW8 0RE
PHONE ~
EMAIL ~