

Report to **Planning Committee**  
Date **7 February 2018**  
By **Head of Planning Services**  
Local Authority **Chichester District Council**  
Application No. **SDNP/17/06138/FUL**  
Applicant **Chichester District Council**  
Application **Change of use of part ground floor from B1 to A1.**  
Address **Office  
North Street  
Midhurst  
West Sussex  
GU29 9DJ**

---

**Recommendation: That the application be Approved for the reasons and subject to the conditions set out in paragraph 10 of this report.**

---

## **Executive Summary**

**Reason for Committee Referral:** Application has been made by Chichester District Council

The building the subject of this application was formerly the Midhurst Area office of the District Council and was also used as the Tourist Information Centre. It is a detached building sited between the North Street public car park and North Street. Despite marketing the premises the District Council has been unable to find a tenant for the office use of the building and has therefore applied for permission to change the ground floor to a retail (A1) use while retaining the office space at first floor. No exterior changes to the building are proposed.

The proposed change of use to an A1 use is not considered to impact adversely on the viability and vitality of the town centre, the character and appearance of the Midhurst Conservation Area or on residential amenity. The proposal is considered to be acceptable and the application is recommended for approval.

### **1.0 Site Description**

- 1.1 The application site is sited between the North Street public car park and North Street. The site is located within the Midhurst Conservation Area and the wider South Downs National Park.
- 1.2 The building consists of three elements at ground floor level. The office and reception area (the subject of this application) a central redundant public toilet area and public wc's

to the rear (accessed from the car park). A bus shelter is sited on the opposite side of the building.

## **2.0 Proposal**

2.1 This application seeks planning permission to change the use of the ground floor office space (B1) to a retail use (A1) to form one retail unit. The first floor office space will be retained. No exterior changes are proposed to the building.

## **3.0 Relevant Planning History**

3.1 No relevant planning history.

## **4.0 Consultations**

### **4.1 Midhurst Town Council**

No objection

### **4.2 CDC - Economic Development Officer**

Comments will be provided in the committee update sheet or reported verbally at the committee meeting.

## **5.0 Representations**

5.1 None received.

## **6.0 Planning Policy Context**

6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for this area comprises the Chichester District Local Plan 1999 and the following additional plans:

- South Downs National Park Local Plan - Pre-Submission September 2017
- SDNPA Partnership Management Plan 2014

6.2 Policies relevant to this application are set out in section 7, below.

### **National Park Purposes**

6.3 The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage,
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well-being of the local community in pursuit of these purposes.

6.4 The Planning (Listed Buildings and Conservation Areas) Act 1990 is also relevant to the determination of this application.

## **7.0 Planning Policy**

### Relevant Government Planning Policy and Guidance

- 7.1 Government policy relating to National Parks is set out in the English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued and came into effect on 27 March 2012. The Circular and NPPF confirm that National Parks have the highest status of protection and the NPPF states at paragraph 115 that great weight should be given to conserving landscape and scenic beauty in the national parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks.

### National Planning Policy Framework (NPPF)

- 7.2 The following sections of the National Planning Policy Framework have been considered in the assessment of this application:

National Planning Policy Framework: Core Principles, Paragraph 17 (Sustainable Development), Section 1 (Building a strong, competitive economy), Section 2 (Ensuring the vitality of town centres), Section 12 (Conserving and enhancing the historic environment).

### Chichester District Local Plan 1999

- 7.3 The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with it.

The following policies of the Chichester District Local Plan 1999 are relevant to this application:

- BE1 – Settlement Policy Areas
- BE6 – Conservation Areas4 – Buildings of Architectural or Historic Merit
- BE11 - New Development
- B8 – Safeguarding Business Floorspace
- S6 – East Wittering, Midhurst, Petworth and Selsey Shopping Centres

### Partnership Management Plan

- 7.4 The South Downs Partnership Management Plan (SDPMP) was adopted on 3 December 2013. It sets out a Vision and long term Outcomes for the National Park, as well as 5 year Policies and a continually updated Delivery Framework. The SDPMP is a material consideration in planning applications and has some weight pending adoption of the SDNP Local Plan.

The following policies of the SDNPA Partnership Management Plan 2014 are relevant to this application:

- General Policy 1

### South Downs Local Plan Pre-Submission – September 2017

- 7.5 The South Downs Local Plan Pre-Submission – September 2017 was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 for public consultation between 26<sup>th</sup> September to 21<sup>st</sup> November 2017. After this period, the next stage in the plan preparation will be the submission of the Local Plan for

independent examination and thereafter adoption. Until this time, the Pre-Submission Local Plan is a material consideration in the assessment of this planning application in accordance with paragraph 216 of the NPPF, which confirms that weight may be given to policies in emerging plans following publication unless other material considerations indicate otherwise. Based on the current stage of preparation, along with the fact that the policies are compliant with the NPPF, the policies within the Pre-Submission Local Plan referenced are currently afforded some weight.

The following policies are considered relevant to this application:

- SD1 – Sustainable Development
- SD15 – Conservation Areas
- SD34 – Sustaining the Local Economy
- SD36 – Town and Village Centres
- SD37 – Development in Town and Village Centres

## **8.0 Planning Assessment**

8.1 The main issues with this proposal are considered to be:

- The principle of development including the loss of the ground floor office use and its impact on the viability and vitality of Midhurst town centre.
- The impact of the proposal on the character and appearance of the Midhurst Conservation Area and the wider South Downs National Park.
- The impact of the development on the amenities of neighbouring properties.

### **The principle of the development and impact on Midhurst Town Centre**

- 8.2 The building was formerly used by Chichester District Council as its Midhurst Area Office and as a Tourist Information Centre. Following a review of how the District Council provided its services the area office became surplus to its office space requirements. Tourist information services are now provided from the South Downs National Park Authority offices.
- 8.3 The ground floor of the building was last used as offices for the South Downs National Park Authority up until they vacated in 2014 and then as offices for 4sight who vacated in 2017. During their occupation the vacant parts of the building have been marketed for rent. No success has been forthcoming in renting the entire building to a single tenant since the upper floors were last used in 2014.
- 8.4 The application proposes the change of use of the ground floor of the building from a B1 office use to an A1 retail use. No exterior changes to the building are proposed. A tenant has now been found to rent the entire building subject to the approval of this application.
- 8.5 Policy B8 of the CDLP 1999 considers the safeguarding of existing business floorspace and applications for the loss of business floorspace will be refused unless the LPA is satisfied that there is an adequate supply of floorspace to meet requirements. The proposal retains the first floor office space within the building and the marketing that has been carried out since 2014 indicates that demand for office floor space is intermittent. The loss of office floorspace at ground floor level is not considered to have a harmful impact in supply terms and neither will it have a detrimental impact on the viability and vitality of Midhurst Town Centre because the office use will be replaced by a use which will result in an active shopping frontage and is likely to increase footfall in this part of Midhurst Town Centre. The proposal is considered to comply with policy B8 of the local plan. Policy S6 of the CDLP 1999 considers the impact of development on established

shopping centres such as Midhurst and is supportive of proposals which would result in the modernising and improvement of the attractiveness and viability of the town centre. The proposal is considered to comply with Policy S6.

- 8.6 In conclusion in respect of the principle of the development and its impact on Midhurst town centre the site is adjacent to the main shopping area of North Street which comprises a mix of retail, restaurant and office uses. The principle of an A1 retail use within this location is therefore considered acceptable.

### **The impact of the proposal in the character and appearance of the Midhurst Conservation Area**

- 8.7 The building is prominently sited set below street level between the North Street public car park and North Street.
- 8.8 No alteration to the external appearance of the building is proposed and therefore the impact on the conservation area is limited to the introduction of the retail use. As explained elsewhere in this report the area has a mixed retail, office and residential character and the introduction of an additional retail unit would be appropriate and would not cause harm to the character and appearance of the Conservation Area which would be conserved. It should be noted that a separate application for advertisement consent may be required for any additional signage on site and would be assessed accordingly.
- 8.9 In conclusion on this issue, it is considered that this proposal will bring a prominently sited building back into use while preserving the character and appearance of the Midhurst Conservation Area and the wider South Downs National Park. The use of the building for A1 purposes is also considered acceptable, given the building is in close proximity to the shopping core of Midhurst.

### **The impact of the development on the amenities of neighbouring properties**

- 8.10 The building is detached and sited approximately six metres to the north of the nearest neighbouring residential property. This property is sited in an elevated position separated from the public car park and the site by a boundary wall. Given the separation distance it is not considered the proposal would result in any significant harm to the amenities of the occupiers of the neighbouring properties.
- 8.11 The proposed retail activity is not considered to lead to a significant intensification of the use of the site and the retail operations are likely to result in only low levels of noise and light pollution. It is suggested that opening times of the premises are controlled by condition to further safeguard the amenities of neighbouring properties. The proposed retail use is likely to have a limited impact on the vicinity of the site and therefore is considered to comply with policy BE11 of the CDLP 1999.

## **9.0 Conclusion**

- 9.1 The proposal would allow for the more flexible use of a prominently sited building within the Midhurst Conservation Area to provide additional A1 retail space while retaining an element of B1 office use. It would have a positive impact on the viability and vitality of Midhurst town centre. The proposal would comply with policies BE1, BE6, BE11 and S6 of the CDLP, the aims and objectives of National Planning Policy and the statutory purposes of designation of the South Downs National Park. In view of the above considerations the application is recommended for approval subject to conditions.

## **10.0 Reason for Recommendation and Conditions**

10.1 It is recommended that the application be Approved for the reasons and subject to the conditions set out below.

**1. Approved Plans**

The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

**Reason:** For the avoidance of doubt and in the interests of proper planning.

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

**Reason:** To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended)./ To comply with Section 51 of the Planning and Compulsory Purchase Act 2004

3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, and the Town and Country Planning (General Permitted Development) Order 2015, or any other statutory instrument amending, revoking and re-enacting the Order, the use of the ground floor hereby permitted shall be A1 use only as a retail unit and for no other purpose (including any other purpose in Class A, of the Schedule to the Town and Country Planning (Use Classes) Order 1987, as amended, or in any provision equivalent to that Class in any other statutory instrument revoking and re-enacting that Order.

**Reason:** To ensure the use of the building does not have a harmful environmental effect in the interests of amenity/in the interests of protecting the character of the area/in the interests of protecting residential amenity.

4. The premises shall not be used except between the hours of 08:00 and 18:00 Monday to Friday; 07:30 and 16:00 Saturday; and 10:00 and 16:00 Sundays and Bank holidays.

**Reason:** To safeguard the amenities of neighbouring properties.

5. Before the A1 retail use commences, detailed plans and proposals shall be submitted to the Local Planning Authority for approval showing the provision for retail refuse storage. Once approved the storage shall be kept permanently available for the stated purpose.

**Reason:** To ensure proper provision for refuse disposal.

**INFORMATIVE:**

This permission does not permit the display of any advertisements which require consent under the Town and Country Planning (Control of Advertisements) Regulations 1992 or under any Regulation revoking and re-enacting or amending those regulations.

**INFORMATIVE:**

For the avoidance of doubt A1 use is limited to the ground floor only. Uses unrelated to A1 or B1 use would not accord with the planning permission.

**11.0 Crime and Disorder Implications**

11.1 It is considered that the proposal does not raise any crime and disorder implications.

**12.0 Human Rights Implications**

12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

**13.0 Equality Act 2010**

13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

**14.0 Proactive Working**

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.

**Tim Slaney**  
**Director of Planning**  
**South Downs National Park Authority**

Contact Officer: Beverley Stubbington  
Tel: 01243 534734  
email: [dcplanning@chichester.gov.uk](mailto:dcplanning@chichester.gov.uk)

Appendices Appendix 1 - Site Location Map  
Appendix 2 – Plans Referred to in Consideration of this Application

SDNPA Consultees

Background Documents

## Appendix 1

### Site Location Map



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. South Downs National Park Authority, Licence No. 100050083 (2016) (Not to scale).



## Appendix 2 – Plans Referred to in Consideration of this Application

The application has been assessed and recommendation is made on the basis of the following plans and documents submitted:

Plan Type	Reference	Version	Date on Plan	Status
Plans - Location plan	5473		23.11.2017	Superseded
Plans - Block plan			23.11.2017	Approved
Plans - Ground and first floor plan	SS46-1		23.11.2017	Approved
Plans - location plan	5504		16.01.2018	Approved

**Reasons:** For the avoidance of doubt and in the interests of proper planning.