

Report to **Planning Committee**
Date **2 October 2019**
By **Director of Planning and Environment**
Local Authority **Chichester District Council**
Application No. **SDNP/19/00775/FUL**
Applicant **Mrs Elizabeth Hamilton**
Application **Change the use of the building from A1 (retail) use to Sui Generis.**

Address **9 Knockhundred Row (Groundfloor)**
Midhurst
West Sussex
GU29 9DQ

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: Red Card: Cllr McAra - Exceptional level of public interest and the applicant is a Member of the Council

The proposal is for retrospective planning permission for the change of use of the ground floor of the property from an A1 (retail) use to a sui generis use for 4Sight Vision Support. From a review of the supporting information, it is clear that the use of the premises by 4Sight Vision would retain the footfall that an A1 use would provide and provides a valuable community facility. Due to the support provided by the centre and the majority of the activity taking place on site relating to sales, it is considered that the development would comply with the aims of Policy SD37 in terms of retaining footfall within this part of Midhurst and provides a valuable function to the local community, the proposal should therefore be supported. This application does not propose any external or internal alterations to the premises and it is considered that there will be no significant impact on either the listed building or the conservation area from the proposed change of use or on the amenities of neighbouring properties.

The application is recommended for approval.

1.0 Site Description

- 1.1 The lawful use of 9 Knockhundred Row is as a retail (A1) unit. The property is sited within the historic town centre within the Midhurst Conservation Area and is within the defined primary shopping frontage. The property is a Grade II listed building and is thought to have been built pre 1699. The property has previously been used as a garage, bistro, clothes shop, antique shop and is currently used as a contact centre for 4Sight Vision Support which involves a range of services including emotional support, advocacy, signposting, telephone befriending, transcript service and the retail sale of associated products. The properties within the Knockhundred Row area are outwardly of medieval character and are concentrated at the eastern end of Knockhundred Row, where it widens to form a small triangular public space at the southern end of Church Hill and on the south side of that part of West Street.

2.0 Proposal

- 2.1 The proposal is for retrospective planning permission for the change of use of the ground floor of the property from an A1 (retail) use to a sui generis use for 4Sight Vision Support.

3.0 Relevant Planning History

- 3.1 SDNP/17/03820/LDE - Existing lawful development certificate for the use of ground floor area as A1 shop. Withdrawn.

4.0 Consultations

4.1 Parish Council Consultee

The Town Council has no objection providing that the application for change of use to Sui Generis applies to the current tenant only and only for the duration of their tenancy, and not to the Landlord nor to any other tenant in the future.

5.0 Representations

- 5.1 6 letters of support have been received. These can be summarised as:
- The centre provides valuable support for people with various sight difficulties;
 - People visit the site from a wide area and as a consequence support the local economy;
 - The centre adds to the rich variety of services and activities available in this part of town;
 - When the application was first submitted the SDNP Local Plan had not been adopted therefore the policy should not apply;
 - Knockhundred Row is not a retail area therefore the proposed Sui Generis use will fit in well

6.0 Planning Policy Context

- 6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the **South Downs Local Plan 2014-2033**, any relevant Neighbourhood Development Plan and, any relevant minerals and waste plans.
- 6.2 The development plan policies and other material considerations considered 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 of the area,
 - To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.
- 6.4 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.

7.0 Planning Policy

Relevant Government Planning Policy and Guidance

- 7.1 Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued on 24 July 2018. The Circular and NPPF confirm that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks.
- 7.2 It is also necessary to have regard to s. 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

National Planning Policy Framework (NPPF).

- 7.3 The following National Planning Policy Framework documents have been considered in the assessment of this application:
- NPPF01 – Introduction
 - NPPF02 - Achieving sustainable development
 - NPPF16 - Conserving and enhancing the historic environment

The development plan policies listed below have been assessed for their compliance with the NPPF.

7.4 The following policies of the **South Downs Local Plan** are relevant to this application:

- Core Policy SD1 - Sustainable Development
- Strategic Policy SD5 - Design
- Strategic Policy SD12 - Historic Environment
- Development Management Policy SD13 - Listed Buildings
- Development Management Policy SD15 - Conservation Areas
- Strategic Policy SD34 - Sustaining the Local Economy
- Development Management Policy SD37 - Development in Town and Village Centres
- Development Management Policy SD52 - Shop Fronts

Partnership Management Plan

7.5 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.

The following Policies and Outcomes are of particular relevance to this case:

- General Policy 1
- General Policy 5

8.0 Planning Assessment

8.1 The main issues for consideration in determining this application are:

- The principle of the change of use from A1 (retail) to a Sui Generis use within the Primary Shopping Frontage
- Impact on the Listed Building and the Conservation Area
- Impact on the neighbouring properties

The principle of the change of use from A1 (retail) to a Sui Generis use within the Primary Shopping Frontage

- 8.2 The application site is located within the Primary Shopping Frontage (Policy SD37 of the SDLP). Policy SD37 does not permit the loss of Class A retail units within the Primary Shopping Frontage. The proposed development for the change of use of the site to a Sui Generis use therefore does not strictly comply with Policy SD37. The application is retrospective and the change of use has already occurred.
- 8.3 Whilst the proposed use of the property is not solely for retail purposes some retail activity does take place and this is further explained below. In support of the proposal the use retains an active shopfront and attracts customers to the premises where assessments are carried out. In this respect the use adds to the footfall of Knockhundred Row and thereby to the vitality and viability of the town centre.
- 8.4 The applicant has submitted additional supplementary supporting information to accompany the application. The applicant has advised that approximately 65% of the activity taking place at the premises is related to product sales activity. In summary, this normally starts with a vision assessment, followed by a review of the customer's situation and needs and then a discussion regarding the products which may help them. This is then followed by a product demonstration. These products are supplied from the premises.
- 8.5 Other activities that take place on the site make up approximately 35% of the activities. The other activities taking place on site include the use of the premises as a contact centre to provide support to partially sighted people. The contact centre provides emotional support, advocacy, signposting, telephone befriending, transcription service (braille, CD, USB and other electronic formats, the production of a newsletter, training, vision assessments. Other activities taking place may include lunch and entertainment, arts and craft, coffee morning, speakers and educational talks and games and quizzes. Although lunch may be provided on site it will not be prepared on site due to the limited kitchen facilities.
- 8.6 From a review of the supporting information, it is clear that the use of the premises by 4Sight Vision would retain the footfall that an A1 use would provide and provides a valuable community facility. Due to the support provided by the centre and the majority of the activity taking place on site relating to sales, it is considered that the development would comply with the aims of Policy SD37 in terms of retaining footfall within this part of Midhurst and provides a valuable function to the local community, the proposal should therefore be supported.

Impact on the Listed Building and the Conservation Area

- 8.7 Policy SD13 of the SDLP permits development affecting a listed building provided the development preserves and enhances the listed building or where any potential harm is considered to be outweighed by public benefits. Policy SD15 of the SDLP relates to development within a Conservation Area which permits development provided it preserves or enhances the conservation area. This application does not propose any external or internal alterations to the premises. It is considered that there will be no significant impact on either the listed building or the conservation area from the proposed change of use.

Impact on the neighbouring properties

- 8.8 This application is retrospective and is for the use of the premises between accepted retail opening hours. No objections have been received for the development and the impact on the neighbouring properties is considered to be negligible, and potentially less than a regular A1 use on the site which Policy SD37 of the SDNP Local Plan seeks to retain.

9.0 Conclusion

- 9.1 It is considered that despite not being solely a retail use the development would comply with the aims of Policy SD37 in terms of retaining footfall within this part of Midhurst and provides a valuable function to the local community. It will therefore contribute to the viability and vitality of Midhurst Town Centre and therefore the application for the change of use is supported.

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. This permission shall enure for the benefit of 4Sight Vision Support only and shall not enure for the benefit of the land.

Reason: Permission would not normally be granted for such development in this location but in granting permission exceptionally the Local Planning Authority have had regard to the particular circumstances relating to the proposal.

2. The development hereby permitted shall not be carried out other than in accordance with the approved plans as listed within Appendix 2 of the report.

Reason: To ensure the development complies with the planning permission.

3. The premises shall not be used except between the hours of;
09.00 and 17.30 Monday to Saturday and not at all on Sunday, bank and other public holidays.

Reason: To safeguard the amenities of neighbouring properties.

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.

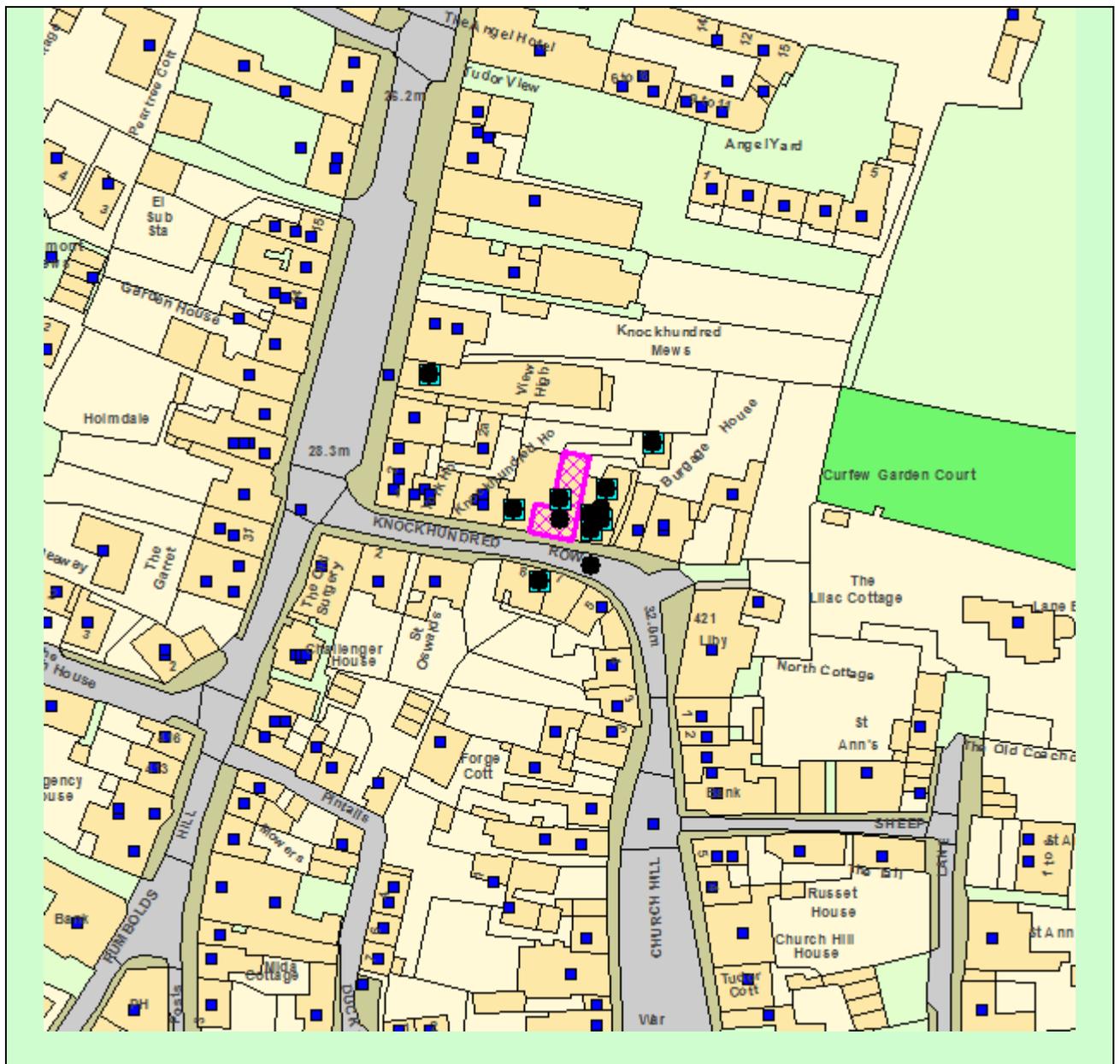
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Appendices Appendix 1 - Site Location Map
Appendix 2 – Plans Referred to in Consideration of this
Application

Appendix 1

Site Location Map



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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 - Plans, Elevations, Location and Block Plan	1		30.05.2019	Approved

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