Development Management – Delegated Officer Report

Application Number: AWDM/2006/22 Recommendation: Refuse

Site: Land And Former Station Goods Yard North Of Ham Road, Shoreham-by-sea

Proposal: Change of use of land from storage (B8), Brownfield to day care facility (Doggy Day Care) to include 4 shipping containers 1 for a reception and 3 for dog shelter, landscaping works, access, fencing and gates. Access via Ham Road Glyndebourne Court (land rear of Caxton House)

Date of Site Visit: 17 January 2023

Neighbours Checked: Y

Additional neighbour notification: N

Proposal, Site and Surroundings:

This application relates to an unused piece of land between the rear of Caxton House, Ham Road and the Shoreham railway station platform. The land is hard surfaced and is accessed via the access road at the rear of the flats in Glyndebourne Court to the east.

The land is owned by Network Rail and has previously been used for storage. It is proposed to change the use of the land from storage to a dog day care facility. 4no. shipping containers are proposed to be placed on the site.One will be for use as a reception/office, with a smaller container attached for washing dogs. It is proposed that there would be 3 areas for dog training and play, each with a container. The westernmost area is shown with a water puddle and sand pit. The containers measure 12.2m long, 2.5m wide and 2.6m high. They are proposed to be decorated in the company's colours.

The site is adjacent to, but outside of, the Shoreham Conservation Area.

Planning History:

AWDM/1688/18 - Demolition of existing building (mixed use Office B1 and general industrial B2) and construction of new building providing 14 residential units comprising 1 no. 1 bedroom flat; 12 no. two bedroom and 1 no. three bedroom flats with undercroft parking. Parking for 5 vehicles and 16 cycles (Caxton House) - approved.

Various permissions for storage uses on the site itself, including for scaffolding (1999, 2002) , storage containers and polythene tunnel (1993, 1995), open storage of outdoor plants and landscape materials (1991)

Consultations:

West Sussex County Council: The Highways Authority has requested more information: parking justification and mitigation; anticipated trips for both the existing and proposed.

Adur and Worthing Councils: Public Health: Full contaminated land condition required.

The application site is located immediately adjacent to residential properties. This means any noise created by the business could have an adverse impact on residential occupiers. The application includes shipping containers and three outdoor exercise areas (referred to as Arenas). The Arenas are immediately adjacent to the residential properties at the southern end of the site, bounded by a 1.8m high wall or fence.

The application appears to make little reference to residential amenity. The summary in the DAS acknowledges there will be some noise, however no further detail is provided. There is no assessment of noise impacts. The use of the outdoor arenas is likely to result in dog barking - dogs bark, that is their nature. The acoustic insulation properties of shipping containers are poor, so any noise from them is also likely to be audible at nearby residential properties, especially as these are several storeys high and overlook the site, meaning the 1.8m wall or fence will do nothing to reduce noise transmission.

In summary the proposed use is likely to result in significant adverse impacts as a result of noise and therefore impact nearby residential amenity.

The applicant should be mindful that they will need to comply with the requirements of the

- The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 in order to be granted a dog day care licence from the Councils.
- The Workplace (Health, Safety and Welfare) Regulations 1992 in particular the provision of sanitary conveniences for employees (none are shown on the submitted plans) and other welfare matters required by the regulations

Technical Services: No comments received

Southern Water: Require details of foul and surface water drainage by condition

Network Rail: No comments received

ADCAG: No comments received

Representations

25 objections received from residents in Caxton House, Ham Road, Buckingham Road, Gordon Road, Oxen Avenue and Ring Road, Lancing, plus AREA (Adur Residents' Environmental Action Group):

- Inappropriate location, being so close to residential properties and the rear of Caxton House
- Noise disturbance will affect many residents, many of whom work from home
- Shipping containers are unsightly and could amplify barking noise
- Additional traffic will exacerbate existing problems
- Inadequate parking spaces available
- Harmful to Conservation Area
- Smell
- Noise from trains may distress dogs
- Will prevent residents from sitting outside or opening windows
- Unviable business - nobody will want their dogs kept in a shipping container
- Security concerns for flats
- Loss of privacy
- Space would be better used as a residents car park

Relevant Planning Policies

Adur Local Plan 2017 Policy 15, 17, 28, 34
Shoreham by Sea Conservation Area Character Appraisal & Management Strategy (ADC 2008)
National Planning Policy Framework (July 2021)
WSCC Guidance on Parking at New Developments (Sept 2020).

Planning Assessment

Principle

The site is not allocated for any use in the Adur Local Plan. It lies within the built up area where development is acceptable in principle subject to the usual considerations. In this case, the relevant issues are the effects on the amenities of

neighbouring residential occupiers, the effect on the character and appearance of the area and parking/access considerations.

Residential amenity

The planning history of the site reveals that a number of storage uses have been permitted. However, those uses took place when the building to the south (Caxton House) was in B1/B2 use. More recently the building has been redeveloped to form 14 flats and the rear elevation of that building abuts the site. There are a number of window openings which face the site, plus balconies/terraces. There are other residential properties further west too, at 16 and 17 Ham Road, plus numerous flats at Glyndebourne Court to the east.

The proposed use of the site as a dog day care facility is likely to lead to conflict with the quiet enjoyment of the residential properties, particularly given the close proximity of the use to the rear of the nearest flats in Caxton House. Dog barking, plus general activity associated with the use, will cause disturbance to residents, while there is the likelihood of a loss of privacy, particularly to the ground floor flat with a bedroom and living room window immediately on the boundary with the site.

While commercial storage uses on the site may have been appropriate in the past, the change of use of Caxton House to residential has resulted in a material change in character, such that the commercial use of the site in the manner proposed will not be appropriate.

Visual amenity

While outside of the Conservation Area, the site does affect its setting. It is an open, slightly overgrown area of land at the moment which does not enhance the setting of the Conservation Area. The proposal would result in landscaping of the site and the introduction of shipping containers which could have an adverse visual impact on the outlook for residents, but would have limited visual impact in the wider street scene. The site is only visible from the rear of the flats and the platform of the railway station. On balance, it is not considered that the proposal would have an adverse visual impact in its setting. However, this does not overcome the harm that the development would cause to residential amenity.

Parking and Access

The proposal includes 3no. parking spaces at the eastern end of the site, with access off Ham Road, via the access road to the Glyndebourne Court flats. WSCC Highways has requested further information relating to justification for the level of parking provision proposed together with details of trip generation.

As there is a fundamental objection to the use on residential amenity grounds this information has not been requested from the applicant and it may be possible that a highway objection could be overcome. However, as it stands, there is insufficient justification for the level of parking proposed and it is recommended that this be included as a reason for refusal.

Recommendation

REFUSE, for the following reasons:

1. The proposed use, by reason of its nature and close proximity to residential dwellings, will result in harm to the amenities of adjoining residents through increased noise and activity and a loss of privacy. The proposal is therefore contrary to policies 15 and 34 of the Adur Local Plan and the NPPF.
2. Insufficient justification has been provided for the level of parking proposed and there is insufficient information regarding traffic generation associated with the proposed use. The LPA is not satisfied therefore that the proposal will not cause harm through inadequate parking provision and it is therefore contrary to policy 28 of the Adur Local Plan.

Is recommendation contrary to letter(s) of representation N

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

Case Officer: Peter Barnett Date: 2 March 2023

Authorised by: Gary Peck Date: 2 March 2023