Development Management – Delegated Officer Report

Application Number: AWDM/1115/22 Recommendation: APPROVE

Site: Former Riverbank Business Centre 39 Old Shoreham Road Shoreham-by-Sea

Proposal: Application to Vary Condition 26 of previously approved AWDM/0935/13. Amendment: to allow the retail store to be used as a convenience store to allow for extended opening hours from 7am to 10pm seven days a week (including bank holidays). (Resubmission of AWDM/1801/21)

Date of Site Visit: Circumstances unchanged since previous application

Neighbours Checked: Y

Additional neighbour notification: N

Proposal, Site and Surroundings:

This application seeks permission for a variation of condition 26 of the original outline planning permission for the Ropetackle North development. It relates to the proposed retail store close to the entrance of the site.

The relevant condition states:

The class A1 retail store hereby approved shall not be open for trade or business other than between the hours of 8.00 am and 6.00 pm on Mondays to Saturdays and between 10.00 am and 4.00 pm on Sundays and Public Holidays.

Although the majority of the remainder of the development is now complete and the retail store has been constructed in accordance with the permission, it has not yet been occupied.

The retail store fronts Old Shoreham Road with a parking area between it and the road. It is part of a block containing residential units immediately above and to the side and rear.

Planning History:

AWDM/1801/21 – A previous application was submitted on the same basis as this. Following consideration at the Planning Committee, an amended condition was imposed in respect of Sunday opening hours:

The class E1(a) retail store hereby approved shall not be open for trade or business other than between the hours of 7.00 am and 10.00 pm on Mondays to Saturdays and between 10.00 am and 4.00 pm on Sundays and Bank and Public Holidays.

The applicant has appealed against the condition but has similarly advised that the objections that the committee took into account when determining the previous application and imposing the amended condition have been resolved.

Consultations:

Sussex Police

I reiterate my comments as made in previous correspondence - that my concerns with this application from a crime prevention perspective is that of the amenity of the surrounding residential community who may be adversely affected by high numbers of footfall early in the morning and late into the night 7 days a week all year round. If this application to vary condition 26 to allow the retail store to be used as a convenience store to allow for extended opening hours from 7am to 10pm seven days a week (including bank holidays) is granted - I would ask moving forward that reasonable hours of trading are made a condition of consent in order to ensure the amenity of nearby residential occupiers is protected.

Environmental Health

No objection

West Sussex County Council Highways

West Sussex County Council (WSCC), in its capacity as Local Highway Authority (LHA), would raise no objection to the above application.

Representations:

3 letters of support have been received making comments that a retail shop was already anticipated on the site and will not cause additional noise and disturbance.

Residents Association

The Waterfront Residents' and Tenants' Association (WRTA) understands that the applicant has appealed against the decision of the Council, against an earlier application, to specifically restrict closing of the store to 4pm on Sundays. It is also understood that the Coop is prepared to withdraw from taking a lease on the property given the anticipated length of delay for the appeal to be determined.
In its previous submissions to the Council, the Coop gave many undertakings to control the arrival of deliveries, customer parking and anti-social behaviour caused by the store. Mindful that other retail operators might be less inclined to offer such assurances, the Association has held discussions with the applicant to improve the proposed occupation of by the Coop. In addition to these assurances, the applicant, on behalf of the Coop has agreed to:
a) Control parking by erecting and maintaining clear signage directing customer parking away from adjacent resident driveways and visitor spaces to dedicated parking.
b) Installing internal and external CCTV to monitor and control anti-social behaviour in and around the store.
c) Offer direct line of communication with the local manager and regional Coop headquarters to resolve complaints.
The applicant has declined a request for full-time attendance by security guards to control potential crime and anti-social behaviour in and around the store.

The applicant has also declined a request for the entrance to the store to be located on the façade facing the Old Shoreham Road to further reduce parking infringements and the maintain private road status of Salt Marsh Road as required by Section 106 agreement in the original outline planning consent. The Association is mindful that that an adjacent site is likely to be developed for apartments and that the area in front of this part of the shop and entrance to the estate could become very congested.
In addition to the above requirements, local residents will require all illuminated fascia signage to be sited on the Old Shoreham Road frontage away from adjacent homes. We understand that this will be subject to a further planning application. An initial Committee view on this aspect would be very helpful.
On the basis that the above assurances can be controlled by planning condition, the WRTA would support the granting of planning permission.

Chair and Vice Chair of the Planning Committee

In view of the positive representations, Councillors Carol Albury and Joe Pannell (Chair and Vice Chair respectively) agree to a recommendation for approval under delegation (e-mails of 4 August refer).

Relevant Planning Policies:

Adur Local Plan 2017: Policy 11 - Shoreham by Sea, Policy 15 - Quality of the Built Environment and the Public Realm, Policy 27 - Retail, Town Centres and Local Parades

Planning Assessment

The principle of the development was established by the grant of the outline permission which included provision for the use of the unit for retail unit. The main issue is therefore the effect of the extended hours upon the amenities of neighbouring residential properties.

The redevelopment of the Ropetackle North site was intended as a mixed use development of which a retail store was considered an important aspect. The outline permission restricted the hours of use of the unit although at that point no end user had been identified.

The previous application attracted various objections (although recommended for approval by officers) which appear to have been clearly resolved through consultation between the residents and applicants between the respective applications and seemingly reflected in the representations now received.

Subject to the imposition of additional conditions agreed with the applicant, the application is considered to be acceptable.

Recommendation

GRANT permission subject to the following conditions:

01 Approved Plans

02 The class E1(a) retail store hereby approved shall not be open for trade or business other than between the hours of 7.00 am and 10.00 pm.

Reason: *To protect the residential amenities of the area.*

03. The premises shall be used only as a retail store and for no other purpose within Class E 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 Statutory Instrument revoking and re-enacting that Order with or without modification).

Reason: *To ensure that the mixed use development approved under planning permission AWDM/0935/13 is retained.*

04 Prior to the commencement of development, a Management Plan shall be submitted to and approved by the Local Planning Authority outlining measures to enable noise mitigation for the use, including deliveries, of the unit hereby approved, an anti litter plan, the position of the trolley store and details of the methods ongoing consultation with local residents. In all other respects, the operation of the site shall comply with the Delivery Management Plan received on 19 November 2021 under reference AWDM/1801/21 and the approved details maintained thereafter.

Reason: *In the interests of the amenities of neighbouring properties in accordance with policy 15 of the Adur Local Plan.*

Is recommendation contrary to letter(s) of representation? N

Case Officer: Gary Peck Date: 11 August 2022

Authorised by: James Appleton Date: 11th August 2022