Development Control – Delegated Officer Report

Application Number: AWDM/0446/12 Recommendation – APPROVE

Site: 120 High Street Shoreham-By-Sea West Sussex BN43 5DB

Proposal: Variation of condition 02 of ADC/0478/10 to enable permanent opening hours of pet shop to be 9am - 6pm Mon - Sat and 11am - 5pm Sundays and of veterinary surgery to be 8am - 7.30 pm Mon - Fri and 8.30am - 1pm Saturdays (permanent renewal of AWDM/0404/11)

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

The application site comprises a former garage at the western end of the High Street, opposite the Ropetackle development, which is now in use as a pet shop with veterinary surgery at the rear. It is an L-shaped site with a flat-roofed single storey building at the southern end and a long parking area which runs behind properties in West Street and Victoria Road. The eastern part of the site falls within the Shoreham Conservation Area.

Planning permission was granted at the Planning Committee meeting in March 2011 for the change the use of the premises to a mixed use with a pet shop (A1) at the front and a veterinary surgery (sui generis) at the rear (ADC/0478/10). The permission was subject to a number of conditions including:

2. The premises shall not be open for trade or business other than between the hours of 8am-7.30pm Monday to Friday and 8.30am-1pm on Saturdays.
Reason - In the interests of amenity having regard to saved policy AG1 of the Adur District Local Plan

3. No animals shall be kept on the premises overnight unless otherwise approved by the Local Planning Authority.
Reason - In the interests of amenity having regard to saved policy AG1 of the Adur District Local Plan

An application was submitted and approved in September 2011 to vary condition 2 to enable the retail shop to open between 9am and 6pm Monday to Saturday and 11am and 5pm on Sundays. The veterinary surgery hours remained restricted as per the original condition.

Permission was also granted to vary condition 3 to allow the keeping of 'non-noisy' animals in the pet shop overnight. Cats, dogs and birds were excluded.

Temporary permission was granted for 6 months only for the variation of the condition relating to the shop opening hours to enable the possible impacts of vehicular movements and associated activity on the residents of those properties which back onto the car park to be monitored.

This application now seeks permanent permission to open the shop as per the hours temporarily approved last year.

Relevant Planning History

The relevant planning history is set out in the section above.

Consultations

Adur District Council: The Environmental Health Officer has no objection

Representations

None received

Relevant Planning Policies and Guidance

Adur District Local Plan (saved policies): AG1
The National Planning Policy Framework

Planning Assessment

Principle

The shop use has been approved and the principle of a commercial use in this location is long established. The opening hours would generally be consistent with other shops within the main shopping area, which this site immediately abuts. The site was formerly in use as commercial garage with unrestricted hours (although it did not open on Sundays). It is considered that, subject to consideration of residential amenity, the principle of the extended hours is acceptable.

Residential amenity

The main consideration with regard to the permanent variation of the condition is the impact on residential amenity. The site is in close proximity to residential properties and the car park serving the premises is adjoined to on three sides by back gardens of dwellings in West Street and Victoria Road. The veterinary surgery originally raised the most concerns amongst the representations received in connection with the original application. The surgery hours will not change and it will continue to operate between 8am – 7.30pm Monday to Friday and 8.30am – 1pm on Saturdays.

This application relates specifically to the pet shop and seeks to have opening hours which are consistent with other shops in the High Street. Extended hours on Saturdays and the introduction of Sunday opening does have the potential to cause disturbance to residents through the increased use of the car park. However, the previous vehicle repair use on the site was unrestricted and could have operated on a Sunday although it is not believed to have done so. Since the 6 month temporary permission was granted the Council has not received any complaints from residents in connection with the operating hours. Furthermore, no representations have been received in connection with this specific application.

It is therefore considered that the proposal to permanently extend the hours as specified can be supported.

Visual amenity

This application does not result in any impact on visual amenity.

Accessibility and parking

This application does not propose any changes to the access or parking arrangements

Recommendation

APPROVE for the reason:-
The extended opening hours of the pet shop and specifically the increased use of the car park has not been demonstrated to have any adverse impact on the amenities of adjoining residents. The application is therefore acceptable as it does not conflict with policy AG1 of the Adur District Local Plan

Subject to Conditions:-

1. Standard time limit
2. The retail shop shall not be open for trade or business other than between the hours of 9am and 6pm Monday to Saturday and 11am and 5pm on Sundays. The veterinary surgery shall not be open for trade or business other than between the hours of 8am and 7.30pm Monday to Friday and 8.30am and 1pm on Saturdays.
Reason – In the interests of amenity having regard to saved policy AG1 of the Adur District Local Plan
3. No animals shall be kept in the veterinary surgery overnight unless otherwise approved in writing by the Local Planning Authority. No dogs, cats or birds shall be kept in the retail shop overnight unless otherwise approved in writing by the Local Planning Authority.
Reason - In the interests of amenity having regard to saved policy AG1 of the Adur District Local Plan

4. This permission relates to the following approved plans received 4 January 2011 in connection with planning permission ADC/0478/10:-

OS Sitemap, Block Plan (Drawing No. PCS4), Proposed Elevations (Drawing No's PCS6 & PCS8), Proposed Plan (Drawing No. PCS2), Roof Plan (Drawing No. PCS3);

and Drawing No. 2112/20 (Proposed Elevations, Floor Plan and Sections) received 16 November 2011 in connection with planning permission AWDM/0945/11

Is recommendation contrary to any representations? N

Case Officer signed: P Barnett Date: 2 May 2012

Authorised and signed by: Jo Morin Date: 3 May 2012