Development Management – Delegated Officer Report

Application Number: AWDM/1337/24 Recommendation: Temp PP

Site: Unit 1, 7 Kings Crescent, Shoreham-by-sea

Proposal: Proposed change of use from Business Use (Class E) to dog swimming and hydrotherapy centre (sui generis)

Date of Site Visit: 28 October 2024

Neighbours Checked: Y

Additional neighbour notification: N

Proposal, Site and Surroundings:

This application relates to a B1 (now Class E(g)) unit in a predominantly residential area on Shoreham Beach. It is one of three units in such use. The property is currently vacant.

It is proposed to change the use to a dog swimming and hydrotherapy centre (sui generis). The submitted plans show little change to the building other than the installation of a raised swimming pool for dogs with injuries as well as for healthy dogs who want to swim. The supporting statement explains that:

"*The pool would offer one to one, owner and dog, swim sessions of approximately 30 minute duration….*
There would also be small group sessions (maximum four dogs) where dogs can socialize with others in the water. Dogs love swimming pools as can be seen on the many social media posts. However not many have the opportunity to participate.
The applicant would also like to offer free weekly sessions to the Shoreham Dogs Trust whereby dogs that are awaiting rehoming, or those in long term care at the Trust, can benefit from swimming in a heated pool in safe surroundings. ...
The proposed opening hours are from 9am until 7pm, Monday to Saturday inclusive. With a limited number of dogs at any one time, it is not anticipated that there would be an issue with noise."

Four parking spaces are available at the front of the site. One member of staff will be employed leaving sufficient space for visitors at the pre-booked sessions.

Planning History:

SU/10/91 - Change of use Of Former Joinery Workshop To Class B1 (Light Industrial) Use

AWDM/1175/20 - Change of Use from B1 (Business) to B1/B8 (Storage and Distribution) with small retail counter

Consultations:

West Sussex County Council: The Highways Authority has no objection. The applicant proposes no alterations to the existing access arrangements. There are no apparent visibility issues at the point of access onto Kings Crescent. An inspection of collision data provided to WSCC by Sussex Police from a period of the last five years reveals no recorded injury accidents within the vicinity of the site. Therefore, there is no evidence to suggest the existing access is operating unsafely or that the proposal would exacerbate an existing safety concern.
The applicant proposes to retain the 4 nos. parking spaces at an area of hardstanding to the front of the development. Considering the existing use, the LHA do not anticipate that the proposed change of use would give rise to a significant material intensification of movements to or from the site; therefore, is not contrary to the National Planning Policy Framework (NPPF), paragraphs 114 -117, as revised December 2023. Hence, there are no transport grounds to resist this proposal

Adur and Worthing Councils: Public Health: There are concerns about possible noise from barking dogs. Recommend a 2 year temporary permission to enable an assessment of noise.

Planning Policy: This site is part of a very small group of 3 units. It's not an identified /protected key employment site but does fall under the second part of the ALP policy which states:
'For sites not listed above, the conversion or redevelopment of land or buildings, currently or last in class B1, B2 or B8, for other uses will only be approved where: (i) The loss of a small proportion of employment floorspace would lead to a significant upgrade of the remaining employment floorspace; or (ii) It can be satisfactorily demonstrated that the site or premises is/are genuinely redundant and that no effective demand exists or is likely to exist in the future to use the land or buildings for B class uses. This should include the length of time the property has remained vacant, the attempts made to sell/let it, and the demand for the size and type of employment premises in the area. Where part (ii) of the above criteria has been satisfied, a mix of uses will be considered. Employment generating uses should be considered as part of this mix of uses. Complete loss of employment uses will only be acceptable where it has been demonstrated to the satisfaction of the Local Planning Authority that partial employment use cannot realistically be achieved. The upgrading of existing employment sites and buildings will be supported.'

The little I know of the site is that it had been used as a vape store/shop for a while (still advertised at this address on google search) and the vape store (B1/B8) with a retail counter had been given personal permission and reverted to Class E(g) on cessation. Subsequently occupied by a specialist flooring sales until recently. I understand only limited marketing has been done.

It looks like there is an MOT /car repairs at unit 3? Not sure about unit 2.

The site is small and is surrounded by residential so there is limited potential for a wide range of B class uses. It's only 156sqms of gross internal floorspace here and from what I can see is quite old stock.

On balance we could allow a temporary permission to monitor noise etc as per advice from EHO. A personal permission may be warranted but then again as it's a sui generis use any change would require permission and could be assessed at that time.

WSP Drainage: No objection

Representations

None received

Relevant Planning Policies

Adur Local Plan 2017 Policy 15, 25
National Planning Policy Framework (December 2023)
WSCC Guidance on Parking at New Developments (Sept 2020).

Planning Assessment

Principle

The proposal will result in the loss of a B1 (Class Eg) use and is not strictly in accordance with the policy on business units, with only limited marketing having been done. However, the Planning Policy comments above accept that the site is within a largely residential area, is quite a small unit and is relatively old stock which may not have a wide appeal.

The proposed use will involve minimal alterations to the building, thereby enabling it to revert to a E(g) use in the future should such a business come forward on cessation of the proposed use.

On balance, it is considered that the proposal is acceptable in principle, subject to considerations of amenity which are assessed below.

Visual amenity

The proposal results in no change to the appearance of the building.

Residential amenity

The level of increase in activity associated with the introduction of the hydrotherapy business is not anticipated to be significant. The main concern is with possible disturbance from barking dogs. The applicant's agent has advised that the roof of the unit is a lightweight steel frame structure with a profiled metal cladding on the outside. The inside has some form of cement board but there is not thought to be any insulation. The number of dogs within the unit at any one time will be limited to four.

The site backs onto 2 other units, one of which is understood to contain a car repair business. There are residential properties to the east and west and to the north on the opposite side of the road. The EHO has expressed concern at the potential for barking dogs and has recommended a 2 year temporary permission at this stage to enable noise to be assessed. The applicant has agreed to this.

It is considered that, given the presence of other potentially noisy activities in one of the other units (garage and MOT testing), and the lack of any objections from residents to this application, a temporary permission can be granted.

Parking and Highways

There is space in front of the unit for the parking of four cars. This is considered to be sufficient and there are no highway concerns with the proposal.

Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans
2. 2 year temporary permission
3. Specified use only for maximum of 4 dogs at any one time
4. Hours of opening 9am - 7pm Monday-Sat

Is recommendation contrary to letter(s) of representation N

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.

Case Officer: Peter Barnett Date: 29 November 2024

Authorised by: Jo Morin Date: 02.12.2024