

Recommendation Report for Lawful Development Certificate for a Proposed Use or Development**REF NO:** FG/54/18/CLP**LOCATION:** 52-56 Ferring Street
Ferring**PROPOSAL:** Lawful development certificate for a proposed natural dog spa (forming less than 10% of the overall area)**DESCRIPTION OF APPLICATION**

As above.

DESCRIPTION OF SITE AND SURROUNDINGS

The application site comprises a detached two storey building with a three A1 retail units at ground floor level and 4 no. 2 bedroom flats above. Village centre location with predominantly retail uses at ground floor and commercial and residential uses above. Area of public open space opposite.

RELEVANT SITE HISTORY

FG/167/14/PL	Demolition of 52-56 Ferring Street and construction of a two and a half storey building with accommodation in the roof, to provide a mixed use development of 3 No. two bed flats and 2 No. one bed flats and three retail units at ground floor (Use Class A1).	Refused 13-01-2015 Appeal: Dismissed 30 07 2015
FG/206/15/PL	Demolition of 52-56 Ferring Street & construction of a two & a half storey building with accommodation in the roof, to provide 4No. 2 bedroom flats at ground, first & second floor & 3No. retail units at ground floor (Use Class A1)	App Cond with S106 24-02-2016
FG/152/16/DOC	Application for approval of matters reserved by condition imposed under FG/112/16/PL relating to conditions 3 - schedule of materials & finishes, 5 - storage & disposal of waste, 8 - first floor balcony screening details & 9 - surface water drainage.	DOC Part Approved 16-05-2017

FG/10/18/DOC Application for approval of details reserved by DOC Approved
condition imposed under planning permission 23-02-2018
FG/206/15/PL relating to condition No. 9
(Surface water drainage scheme)

N/A

REPRESENTATIONS

Representations received:

N/A

Comments on Representations received:

N/A

CONSULTATIONS

Consultations responses received:

N/A

Comments on Consultation responses:

N/A

LEGISLATIVE BACKGROUND

Section 192(2) of the Town and Country Planning Act 1990 states:-

If, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

In this instance the proposed works will be assessed against the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2015 (as amended).

There is no specific legislation for the use of part of the A1 units for an ancillary use, in this case as a dog spa.

Provided the proposed works satisfy the relevant criteria, and that no restrictive conditions to development have been imposed on the site, the proposed works will constitute Permitted Development and would not require planning permission. If the works fail to accord with the criteria then planning permission will be required for them to take place.

CONCLUSIONS

The applicants have stated in their submitted planning statement dated 26/03/2018, that they currently own 1 retail outlet in Goring B-by-sea called Shoreline Pet Supplies which has been trading since 2008. They intend to expand the business into the three retail units forming numbers 52-56 Ferring Street, Ferring. They are also looking to rebrand the business to Brown's Natural Pet Store.

The Original application for the 3 retail units numbers 52-56 Ferring Street, application ref: FG/2016/15 permitted an A1 use. for the 3 retail units. The applicant intends to open a pet shop which would span all 3 retail units. They also intend to include a Dog Spa which would take up

(approx.) 10% of the combined internal floorspace of the 3 retail units.

The proposed dog spa would offer either a wash and dry or a full groom treatment for dogs that require a breed specific cut. The applicants state that they intend to care for 1 dog at a time in the proposed dog spa, as detailed in the submitted planning statement dated 26/03/2018

The dog spa would have an approximate floor space of 14.4 metres squared.

Officers note that there is no specific part of the Town and County Planning (General Permitted Development) (England) Order 2015 (as amended). However Officers consider that as the proposed dog spa area would only take up approximately 10% of the internal floorspace of the A1 retail units it is considered that the proposed pet shop would be the main use (A1). Therefore the Dog Spa is of a size that would be considered to be ancillary to the main A1 retail use, the pet shop.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 03/07/2018 the use described in the First Schedule to this certificate in respect of the land specified in the Second Schedule to this certificate and edged in black on the plan attached to this certificate, would have been lawful within the meaning of section 192 of the Town & Country Planning Act 1990 for the following reasons:

The use of 10% (approx.) of the permitted A1 retail units as a dog spa would be considered ancillary to the proposed Pet Shop (A1 retail use).

FIRST SCHEDULE

Use of 3 A1 retail units as a Pet shop with 10% (approx.) to be used as a dog spa. As detailed on the submitted drawings and information :

AL-100 Rev E, AL-100 Rev H, AL-110 and Planning Statement dated 26/03/2018.

The proposed dog spa area would have a floor area of (approx.) 14.4 metres (3.6 metres x 3.9 metres) while the complete retail unit including staffroom/store would have an approximate floor area of 49.14 metres.

The Dog spa shall not, at any time, be run as an independent business and shall at all times remain an ancillary part of the A1 retail use of 52-56 Ferring Street. As an ancillary use the Dog spa shall not at any point be rented out or sold as a separate entity (business). Additionally the dog spa shall, as stated by the applicants, only deal with one dog at a time (as stated in the submitted planning statement dated 26/03/2018), in order that it remains of an ancillary size and scale to that of the main A1 retail business of 52-56 Ferring Street as a Pet Store.

SECOND SCHEDULE

52-56 Ferring Street, Ferring, BN12 5XP

EXTENT OF USE

Use of 3 A1 retail units as a pet shop with 10% (approx.) to be used as a dog spa.