

Change of use to mixed residential and dog grooming  
business operating from new shed

Report Item No  
A3

17 Briton Lodge Close Moira Swadlincote Derby DE12 6DD

Application Reference  
17/00475/FUL

Applicant:  
Miss Vanessa Harkin

Date Registered:  
18 April 2017

Case Officer:  
Eleanor Overton

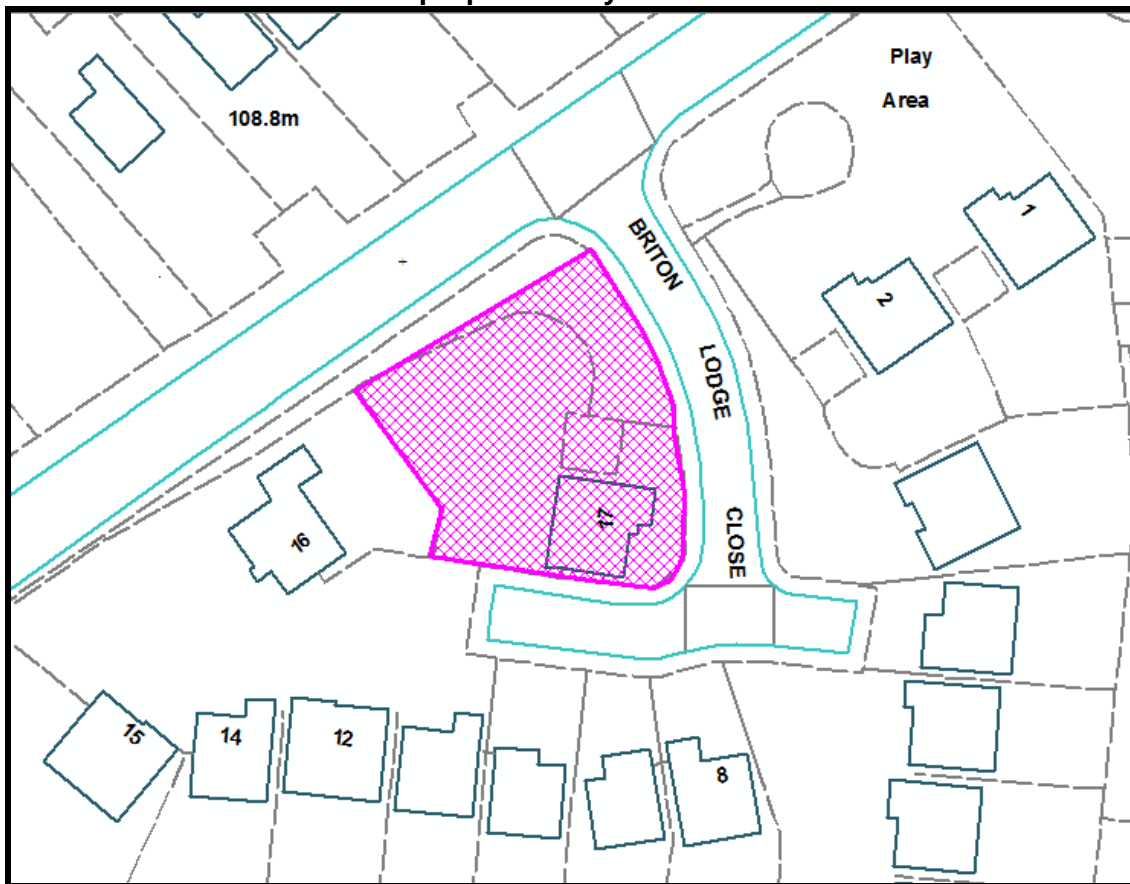
Consultation Expiry:  
11 July 2017

Recommendation:  
PERMIT

8 Week Date:  
13 June 2017

Extension of Time:  
13 July 2017

Site Location - Plan for indicative purposes only



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## **EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION**

### **Call In**

The application is brought before Planning Committee as the application has been called in by Councillor Bridges on highway grounds and the impact on neighbours' amenities.

### **Proposal**

Planning permission is sought for the change of use from residential to mixed use, residential and business, to allow for a dog grooming business to operate from a new shed, which replaces an existing structure, within the curtilage of 17 Briton Lodge Close, Moira.

### **Consultations**

Four letters of objection have been received. Ashby Woulds Town Council has no objection but has commented that there should be sufficient off road parking provided. There are no objections raised by other statutory consultees.

### **Planning Policy**

The site lies within the Limits to Development as identified in the adopted and submitted North West Leicestershire Local Plans. The application has been assessed against the relevant policies in the NPPF and the adopted and submitted Local Plans and other relevant guidance.

### **Conclusion**

The site lies within Limits to Development where the principle of the development is acceptable.

The development by reason of its scale and design would be in keeping with the character of the area and would not have any significant detrimental impact on the amenities of neighbours in terms of overbearing, overshadowing or overlooking impacts. Furthermore the use proposed would not have any materially harmful impacts in terms of noise and disturbance or highway safety and would preserve the integrity of the River Mease SAC in accordance with Paragraph 118 of the NPPF and the Habitats Regulations and Circular 06/05 and no other issues have been identified that would make the application unacceptable.

Accordingly the application is recommended for planning permission, subject to the imposition of planning conditions.

### **RECOMMENDATION - PERMIT subject to conditions**

**Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.**

## MAIN REPORT

### 1. Proposals and Background

Planning permission is sought for the change of use of a shed to accommodate a dog grooming business at 17 Briton Lodge Close, Moira. The application site is located in a residential area within the defined Limits to Development.

The shed would be situated within the rear garden of the host dwelling, to the north west of the garage. The exact position and dimensions of the shed are illustrated on the submitted plans. The shed itself however would not require planning permission.

The shed would be accessed via the existing pedestrian access gate, situated between the existing dwelling and detached garage.

The application form states that the proposed dog grooming business would operate between the hours of 09.00 and 17.00 Monday to Friday and between 8.00 and 12.00 on Saturday. The form further states that the use will require 1 employee, the applicant.

The proposal would use the existing parking spaces provided both within and to the front of the double garage. Given the nature of objections received, the applicant has been requested to provide further clarification in relation to the parking provision on site and the requirements of the proposal. In response, the applicant has stated that there are three usable spaces on site, one within the garage and two to the front of it. It has further been clarified that during the opening hours proposed, one car will be off site and the remaining car is linked to the business use proposed, as such there would be two off road parking spaces remaining. In relation to the nature of the use, it has been stated that customers would only drop off and collect, staying a maximum of 5 or 10 minutes and there would be only 1 customer at any one time.

The applicant has also provided a supporting statement. This explains that initially off site premises were sought, however there were no premises in suitable locations that would be financially viable for the business. As such the decision was made to operate from a shed at the application site. It is further stated that the proposed business is a small single person venture, which will cater for one dog at a time. In relation to the disposal of waste, it is stated that water from dog washing will be approximately 25ltrs per day and that this will be collected in a closed container and disposed of via the main house foul water waste system. Disposal of dog hair/nail clippings will be via the local land fill facility.

#### Relevant Planning History:-

There is no relevant planning history relating to this site, the only history relates to works to TPO protected trees.

### 2. Publicity

19 Neighbours have been notified (date of last notification 24 April 2017)  
Site notice posted 24 April 2017.

### 3. Summary of Consultations and Representations Received

No objection subject to the imposition of conditions have been received from Severn Trent Water Ltd.

No objection has been received from NWLDC Environmental Protection.

The County Highway Authority has referred to Standing Advice and stated that parking requirements should be considered.

Ashby Woulds Town Council has not objected to the application, but has stated that there should be adequate off road parking provision for customers.

Four letters of neighbour representation have been received, these raise the following issues:-

- The use would result in increased traffic congestion which will result in further disruptions to the area.
- The proposed use would lower the tone of the neighbourhood and would detrimentally effect property prices
- Allowing this use would set a precedent that would allow other businesses to operate from home in an exclusively residential area.
- Concerns over the manoeuvrability of vehicles within the area, which already suffers from congestion as a result of high levels of on street parking. Two off road parking spaces should therefore be provided to overcome this.
- There is inadequate parking provision both on and within the vicinity of the site and the cul-de-sac is already congested.
- The business use proposed is not acceptable within the residential area.
- Concerns over noise and pollution as a result of increased traffic, car doors slamming and dogs barking.
- Potential highway safety issues as a result of children playing in the area.

#### **4. Relevant Planning Policy**

##### **National Policies**

##### *National Planning Policy Framework*

The NPPF (Paragraph 215) indicates that due weight should be given to relevant policies in existing development plans adopted before 2004 according to their degree of consistency with the Framework. The closer the policies in the development plan to the policies in the Framework, the greater weight they may be given.

Save where stated otherwise, the policies of the North West Leicestershire Local Plan as listed in the relevant section below are consistent with the policies in the NPPF and, save where indicated otherwise within the assessment below, should be afforded weight in the determination of this application.

The following sections of the NPPF are considered relevant to the determination of this application:

Paragraph 14 (Presumption in favour of sustainable development)

Adopted North West Leicestershire Local Plan (2002)

The application site is within the Limits to Development as defined in the adopted North West Leicestershire Local Plan. The following adopted Local Plan policies are relevant to this application:

Policy S2 - Limits to Development  
Policy E3 - Residential Amenities  
Policy E4 - Design  
Policy T3 - Highway Standards  
Policy T8 - Parking

### **Submitted North West Leicestershire Local Plan**

The publication version of the Local Plan was agreed by Council on 28 June 2016 and submitted for examination on 4 October 2016. Examination hearing sessions were held in January and March 2017 and the Council commenced consultation on its Main Modifications on 12 June 2017. The weight to be attached by the decision maker to this submitted version (as proposed to be modified) should be in accordance with the approach set out in Paragraph 216 of the NPPF, having regard to the stage now reached towards adoption, the extent to which there are unresolved objections to the policies relevant to the determination of this application, and the degree to which the emerging policies are consistent with the NPPF.

S1 - Future Housing and Economic Development Needs  
S2 - Settlement Hierarchy  
D1 - Design of New Development  
D2 - Amenity  
IF7 - Parking Provision and New Development  
EN2 - River Mease Special Area of Conservation

### **Other Policies/Guidance**

National Planning Practice Guidance - March 2014.

The Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations').  
Circular 06/05 (Biodiversity and Geological Conservation - Statutory obligations and their impact within the planning system.

River Mease Water Quality Management Plan - August 2011.

6Cs Design Guide (Leicestershire County Council)

The 6Cs Design Guide sets out the County Highway Authority's requirements in respect of the design and layout of new development.

### **5. Assessment**

The main issues for consideration in the determination of this application relate to the principle of development, scale and design, impact upon residential amenities, highway considerations and impact upon the River Mease Special Area of Conservation/SSSI.

#### **Principle of Development**

The site is located within Limits to Development, as defined by the adopted Proposals Map 2002 and within the Limits to Development on the Policy Map to the submitted Local Plan, where the principle of a small scale business operation within the curtilage of a dwelling would be acceptable, subject to all other planning matters being addressed.

#### **Scale and Design**

The need for good design in new development is outlined in adopted Local Plan Policies E4 and

H7, as well as Policy D1 of the submitted Local Plan and Paragraphs 57, 60 and 61 of the NPPF.

The proposed shed would be situated within the rear garden of the application property. Due to its siting, scale and design it would have no harmful impacts on the character of the area and would not be prominent within the street scene.

Overall therefore the proposed shed is considered to be compliant with Saved Policy E4 of the adopted Local Plan and Policy D1 of submitted Local Plan.

### **Impact upon Residential Amenity**

The application property comprises the end dwelling on the cul-de-sac and the proposed shed in which the dog grooming would take place would be situated to the northern side of the existing detached garage. The closest property, and that most likely to be affected would therefore be No. 16 Briton Lodge Close (to the west). In terms of noise and disturbance however, as a result of vehicles movements, all dwellings on Briton Lodge Close could be impacted upon.

As a result of the single storey nature of the proposal and its separation distance from No.16 Briton Lodge Close, it would not result in any materially harmful impacts in terms of overshadowing or privacy and it would not be overbearing.

In terms of noise and disturbance, the information accompanying the application states that only one customer would attend the property at any one time, that the business operations would be restricted between the hours of 9am - 5pm Monday to Friday, 8am - 12pm on Saturdays and that there would be no working on Sundays or bank holidays.

Vicarious issues in relation to impacts on residential amenity have been raised within the letters of representation. As such, impacts on residential amenity must be carefully considered.

As a result of the business operations themselves, given their minor scale (one dog at a time and restricted size of premises) they would not result in any materially harmful impacts in terms of noise and disturbance.

In terms of disturbance associated with comings and goings, there would be further visitors to the property, and some visits would be outside of 'standard' working hours. As the host property is situated on a small cul-de -sac, which becomes congested as a result of high levels of on street parking, it is considered reasonable to impose a condition further restricting the hours of operation. In order to safeguard residential amenity the business activities shall be restricted between the hours of 9am - 4.30pm Monday to Friday and there shall be no weekend or bank holiday working.

Subject to the imposition of this condition, the level of potential disturbance is not considered to result in a material level of harm.

Overall, it is considered that the development would not have any significant detrimental impacts upon the amenity of neighbouring residential properties and the proposal is considered to be acceptable in relation to Saved Policy E3 of the adopted Local Plan and D2 of the submitted Local Plan.

## Highway Considerations

A number of concerns have been raised within the letters of representation on grounds of highway safety.

Further details have been requested from the applicant to clarify the existing parking provision. It has been stated that there would be three usable spaces on site, one within the garage and two to the front of it. Furthermore, in relation to the nature of the use, the applicant has explained that customers would only drop off and collect, staying a maximum of 5 or 10 minutes, and there would be only 1 customer at any one time.

Given the nature and minor scale of the proposed business, the associated increase in vehicle movements are not considered material. Furthermore, given that the hours of operation would be restricted by way of condition, the business operations would only take place during quieter times of the day. On this basis the existing level of parking provision is considered to be adequate to cater for the intended use.

In relation to the concerns raised surrounding congestion, as only one customer would visit the property at one time, this would not lead to a build-up of vehicles in the surrounding area and would have at worst, a negligible impact on on-street parking. The County Highway Authority have commented that parking provision should be considered. This has been done and on the basis of the three spaces provided, is considered to be adequate.

It is considered that the development would not have any significant impact upon highway safety or parking provision and the scheme is acceptable in relation to Saved Policies T3 and T8 of the adopted Local Plan and Policy IF7 of submitted Local Plan.

## Impact on the River Mease Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI)

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC). Discharge from the sewage treatment works within the SAC catchment area is a major contributor to the phosphate levels in the river. Therefore an assessment of whether the proposal would have a significant effect on the SAC is required.

The development proposed would result in an increased water usage of around 25 litres per day.

The average volume to mains from a 1 bed dwelling is 140.4 litres, from a 2 bed is 206.4 litres, from a 3 bed is 278.4 litres and from a 4 bed is 388.8, based on Table F4 of DCS2 calculations.

Given that the scale of the development proposed would be relatively minor, and based on the above average volumes and the fact that there is no control over the number of people who can occupy a house or the ancillary activities which could take place, which could result in a far higher water usage; it could not be demonstrated in this case that the proposal would result in increased foul drainage discharge from the property.

The proposed shed would replace an existing structure and would accommodate an existing slabbed area. Although the replacement shed would be marginally larger than that existing, it would not be likely to lead to a significant increase in surface water run-off. As such no mitigation/condition is required to manage surface water run-off in this case and the integrity of the River Mease SAC would be preserved.

Therefore it can be ascertained that the proposal on the site will, either alone or in combination with other plans or projects, have no likely significant effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI.

### **Other Issues**

Within the letter of representation, concerns have been raised that the proposed use would lower the tone of the neighbourhood and would detrimentally effect property prices. These issues do not comprise material planning consideration and thus will not be taken in to consideration within the decision making process.

Concerns have also been raised that allowing this application would set a precedent that would allow other businesses to operate from home in an exclusively residential area. Each application is considered upon the basis of its unique set of circumstances and as such, as no two sites/developments are the same; no precedent would be set.

### **Conclusion**

The site lies within Limits to Development where the principle of the development is acceptable.

The development by reason of its scale and design would be in keeping with the character of the area and would not have any significant detrimental impact on the amenities of neighbours in terms of overbearing, overshadowing or overlooking impacts. Furthermore the use proposed would not have any materially harmful impacts in terms of noise and disturbance or highway safety and would preserve the integrity of the River Mease SAC in accordance with Paragraph 118 of the National Planning Policy Framework and the Habitats Regulations and Circular 06/05 and no other issues have been identified that would make the application unacceptable.

Accordingly the application is recommended for planning permission, subject to the imposition of planning conditions.

### **RECOMMENDATION - PERMIT subject to the following conditions:**

- 1 Time limit
- 2 Approved plans
- 3 Operating hours