

<b>Agenda Item:</b>	5.2
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<b>Site:</b>	Fairview, 8 Horton Avenue, Stretton, Burton Upon Trent, DE13 0DP
<b>Proposal:</b>	Change of use of existing garage for use as a dog grooming salon (Sui generis)

### Report of Head of Service (Section 151 Officer)

This report has been checked on behalf of Legal Services by John Kirkham

### [Hyperlink to Application Details](#)

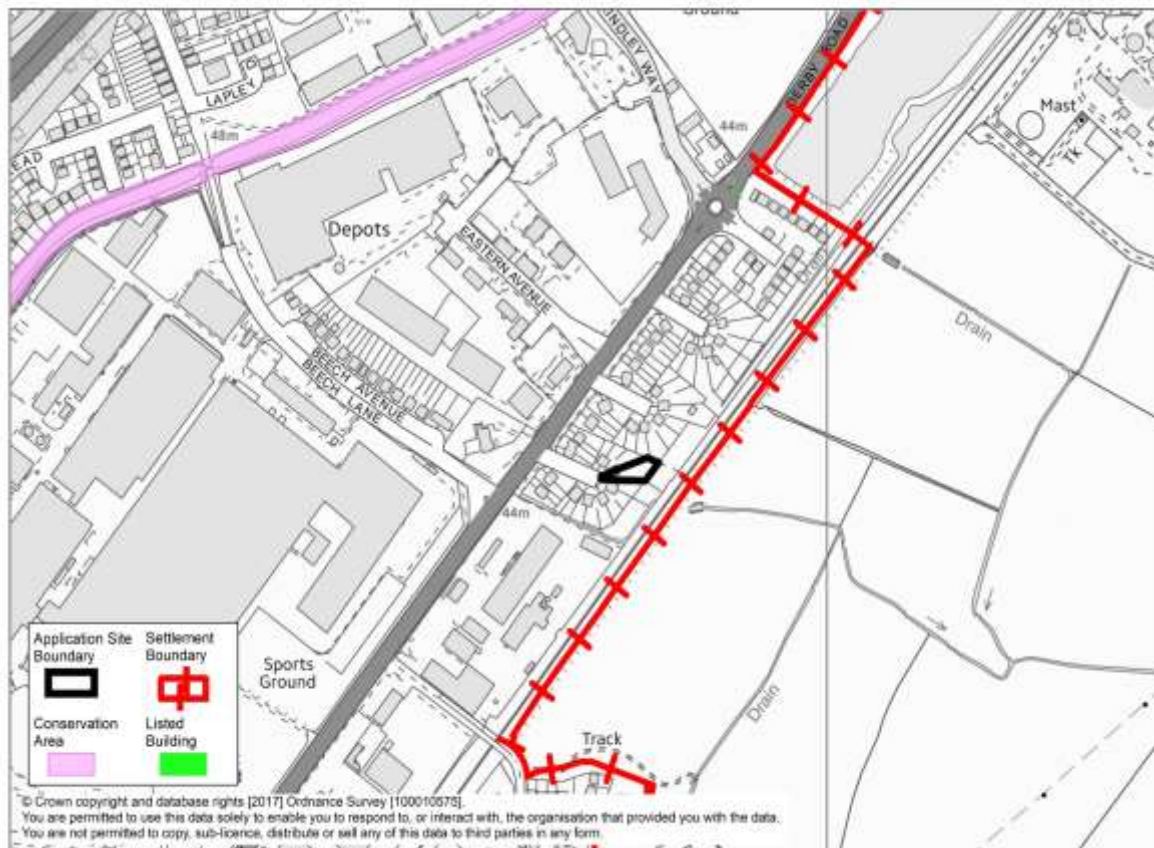
<b>Application Number:</b>	P/2017/00695	
<b>Planning Officer:</b>	Emily Christie	
<b>Type of Application:</b>	Change of Use	
<b>Applicant:</b>	Miss Danielle Bradbury	
<b>Ward:</b>	Eton Park	
<b>Ward Member (s):</b>	Councillor R J Clarke Councillor S Andjelkovic	
<b>Date Registered:</b>	22 June 2017	
<b>Date Expires:</b>	16 August 2017	

This application has been called in by Councillor Andjelkovic for the following reasons:

- *The effect it will have on parking in an area where there are already parking issues. There will be people coming to drop off their dogs for grooming, which will create extra parking pressure in the area. I am informed that one of the other houses has been changed into bedsits, also increasing the pressure on parking, without the need for planning permission.*
- *Some of the opening times, Saturday mornings and after 5pm, are when people will be at home when parking will be at a premium.*
- *Although the County Council has not objected to this application there needs to be further investigation into the issue and we need to look at the new SPD on parking as there is not provision for any extra parking for customers.*

## 1. Executive Summary

- 1.1 The site is located on Horton Avenue in Stretton at the head of the cul-de-sac. There is an existing two storey semi-detached dwelling with a single garage to the side/rear.
- 1.2 The application seeks approval for the change of use of the garage to form a dog grooming salon.
- 1.3 Statutory consultees have raised no objections that cannot be overcome via planning conditions.
- 1.4 Two responses (both objections) have been received from local residents.
- 1.5 There are no external alterations proposed to the building.
- 1.6 The proposal will not adversely affect the amenities of occupiers of existing nearby dwellings subject to conditions to control hours of operation and to manage appointments to minimising the likelihood of overlapping customers.
- 1.7 The proposal will not have an unacceptably adverse impact on the existing highway network.
- 1.8 **Members are advised that the above is a brief summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.**

Map of site**2. The site description**

- 2.1 The site comprises a semi-detached dwelling located on Horton Avenue, in Stretton, Burton upon Trent. The property is located at the far eastern end of the cul-de-sac.
- 2.2 The property has a garage to the side/rear which is attached to the garage owned by the adjoining property.
- 2.3 The property has one allocated off road parking space to the front and a reasonable sized curtilage to the rear.

**3. Planning history**

- 3.1 No planning history.

**4. The proposal**

- 4.1 The application proposes the change of use of an existing domestic garage to form a dog grooming salon (a Sui generis use in planning land use classification terms).
- 4.2 The proposal does not include any external alterations to the building.
- 4.3 Internally there is the addition of a stud partition wall to form a storage area at the rear of the building. The remainder of the garage space will be converted to

form the salon area including the siting of a desk, bathing area, clipping table, storage cupboard and a dog crate.

4.4 The proposed hours of operation are as follows:

0900 to 1800 Tuesday to Friday

0900 to 1200 Saturday

Closed Sunday and Monday

#### List of supporting documentation

4.5 The following documents have been provided as part of the application:

- Planning Application Form
- 1:1250 Location Plan
- 1:500 Block Plan
- Proposed Floor Plan and layout Plan
- Email dated 15<sup>th</sup> July outlining hours of operation and management of appointments.

4.6 The relevant findings are dealt with in section 8 onwards below.

## **5. Consultation responses and representations**

5.1 A summary of the consultation responses is set out below:

<b>Statutory and non statutory consultee</b>		<b>Response</b>
5.2	Parish Council	None received at the time of writing this report.
5.3	SCC Highways	No objections subject to compliance with the hours of operation and management of appointments as set out in the submitted information
5.4	Environment Agency	No objections.

<b>Internal Consultees</b>		<b>Response</b>
5.5	Environmental Health	No objections or comments.

## **6. Neighbour responses**

6.1 Letters have been received from two neighbouring properties.

<b>Neighbour responses</b>	
Principle	The business should be located in a commercial property, of which there are many available within the vicinity.
Impacts on Amenity	Noise and disturbance from dogs barking and people visiting the site.

	Hours of operation include evenings, weekends and bank holidays which will affect the neighbours' quality of life.
Highways Impacts	<p>Inadequate parking to serve a business in this residential area.</p> <p>This development will exacerbate existing parking issues caused by football traffic.</p> <p>Visitors to the site will park on the road and cause congestion on the cul-de-sac.</p> <p>Clients/visitors will inevitably overlap causing further parking issues in the area.</p> <p>Emergency vehicles already find it difficult to access the cul-de-sac.</p>
Other	Loss of value of neighboring properties.
Ward Member	<p>Cllr S Andjelkovic</p> <p><i>I would like to register my objection to this planning application. I feel that it will have a detrimental effect on residents living in Horton Avenue. It will generate more traffic in a quiet cul-de-sac having a detrimental effect on the quality of life of the residents who live there. It states on the original application that opening times would be from 9am til 8pm Monday to Friday and 9.30 til 5.30 at the weekend, which means that there would be no respite from the traffic of people coming to use the grooming facility which is in a purely residential area. Also this is in an area which has had many issues in relation to football traffic and this planning application would just exacerbate an already difficult situation. I would therefore like you to consider turning down the application.</i></p>

## 7. Policy Framework

### National Policy

- National Planning Policy Framework
- National Planning Policy Guidance

### Local Plan

- Principle 1: Presumption in Favour of Sustainable Development
- SP1: East Staffordshire Approach to Sustainable Development
- NP1: Role of Neighbourhood Plans
- SP3: Provision of Homes and Jobs 2012-2031
- SP24 High Quality Design
- SP26 National Forest
- SP27 Climate Change, Water Body Management and Flooding
- SP29 Biodiversity and Geodiversity

- SP35 Accessibility and Sustainable Transport
- DP1 Design of New Development
- DP7 Pollution and Contamination

### 'Made' Neighbourhood Plans

#### Stretton

- S2 – Protecting Landscape Character
- S6 – Flooding
- S10 – Local Employment
- S13 - Local Economic Facilities

## **8. Principle of Development**

8.1 The NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

Paragraph 14 of the NPPF states that for decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

8.2 Paragraph 251 of the NPPF states that 'due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the framework, the greater the weight that may be given'.

## **9. Development Plan**

9.1 The Council has adopted a positive approach in seeking to meet objectively assessed development needs of the Borough. The policies in the plan provide a clear framework to guide sustainable growth and the management of change, thereby following the Government's presumption in favour of sustainable development.

9.2 Strategic Policy 1 sets out the East Staffordshire Approach to Sustainable Development. Principles listed in the policy include social, environmental and economic considerations to be taken into account in all decision making where relevant. The principles are:

- located on, or with good links to, the strategic highway network, and should not result in vehicles harming residential amenity, causing highway safety issues or harming the character of open countryside;
- it is convenient and safe to walk, cycle and travel by public transport between (and for larger sites, around) the site and existing homes,

- workplaces, shops, education, health, recreation, leisure, and community facilities and between any new on-site provision;
  - retains, enhances, expands and connects existing green infrastructure assets into networks within the site and within the wider landscape;
  - re-uses existing buildings where this is practicable and desirable in terms of the contribution the buildings make to their setting
  - integrated with the character of the landscape and townscape, provides for archaeological investigation where this is appropriate and conserves and enhances buildings of heritage importance, setting and historic landscape character;
  - designed to protect the amenity of the occupiers of residential properties nearby, and any future occupiers of the development through good design and landscaping;
  - high quality design which incorporates energy efficient considerations and renewable energy technologies;
  - developed without incurring unacceptable flood risk or drainage problems and uses Sustainable Drainage Systems (SUDS) where appropriate;
  - does not harm biodiversity, but rather enhances it wherever possible, including increasing tree-cover, especially as part of the National Forest;
  - creates well designed and located publicly accessible open space;
  - would demonstrably help to support the viability of local facilities, businesses and the local community or where new development attracts new businesses and facilities to an area this does not harm the viability of existing local facilities or businesses;
  - would contribute towards the creation of sustainable communities through the provision of a mix of housing types and tenures;
  - uses locally sourced, sustainable or recycled construction materials (including wood products from the National Forest where this is appropriate), sustainable waste management practices and minimises construction waste;
  - safeguards the long term capability of best and most versatile agricultural land (Grade 1, 2 and 3a in the Agricultural Land Classification) as a resource for the future; and
  - would result in the removal of contamination and other environmental problems associated with the site.
- 9.3 Stretton Neighbourhood Plan forms part of the development plan and Policy S10 states that new employment uses will be encouraged, particularly where a proposal seeks to re-use an existing building.
- 9.4 The property is located within the Burton Settlement Boundary and as such is considered to be sited within a sustainable location. The site is easily accessed on foot, by public transport or by car. The proposal seeks to facilitate the creation of a new business within the area and makes use of an existing garage within the curtilage of the property known as Fairview, 8 Horton Avenue, Stretton.
- 9.5 In light of the above it is considered that the principle of the development is acceptable. The impact upon the amenities of neighbours, highway safety and other matters will be considered in the following sections.

## **10. Design and Impact on the character and appearance of the area**

- 10.1 The NPPF attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 10.2 Policy DP1 of the Local Plan re-iterates the design principles set by SP24 stating that development must respond positively to the context of the surrounding area, exhibit a high quality of design and be compliant with the East Staffordshire Design Guide.
- 10.3 The application does not propose any external alterations to the existing garage building. Alterations to facilitate the change of use of the building are wholly internal.
- 10.4 Given that the garage is set back from the road and there are no external alterations proposed, the visual impact of the development will be minimal.

## **11. Residential Amenity**

- 11.1 The National Planning Policy Framework and DP1, DP3 of the Local Plan seeks to ensure new residential development will not have an adverse impact on the amenities of new or existing residents by way of loss of light, overlooking or overbearing.
- 11.2 The building is a single storey garage to the side/rear of the property. The garage building is attached to the garage on the adjoining property. There are no alterations proposed to the external appearance of the building and no additional openings. It is therefore considered that there will not be a detrimental impact upon the occupiers of neighbouring properties by way of overlooking, overbearing or loss of light.
- 11.3 The use of the building is proposed to be changed for business purposes and as such the frequency of visits to and from the property to use the building will be intensified. This will inevitably result in a degree of disturbance to neighbouring properties as a result of the intensification of the use. The level of disturbance however, is considered to be relatively low given the nature of the business and the proposed hours of operation and management plan.
- 11.4 The salon is proposed to be open between the hours of 0900 and 1800 Tuesday to Friday, 0900 and 1200 on Saturdays and shall be closed on Sundays and Mondays.
- 11.5 The hours of operation have been revised following the receipt of concerns from local residents and local members.
- 11.6 It has also been confirmed by the applicant that the arrival of customers to the site will be managed through the booking process to ensure that there will be no overlap of customers arriving/leaving the site at any one time. This will help to reduce the impact upon the occupiers of neighbouring properties.



- 11.7 Environmental health has been consulted with regard to the application and has raised no objections.
- 11.8 On balance it is considered that provided the hours of operation are adhered to and the booking of appointments is managed as per the submitted method, then the impact upon the occupiers of neighbouring properties can be adequately managed and mitigated against to reduce any adverse impact upon them. It is therefore considered that the proposed use would not be to the detriment of the locality or the amenities enjoyed by the occupiers of nearby dwellings.

## **12. Highway Matters**

- 12.1 The NPPF in section 4 sets out the role transport policies play in facilitating sustainable development which contributes to wider sustainability and health objectives. Decisions should consider ensure development proposals have taken the opportunities for sustainable transport modes, ensure safe and suitable access to the site can be achieved for all people and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 12.2 Policies SP1 and SP35 of the Local Plan aim to ensure development is located on sites with good links to the highway network, development is convenient and safe to walk, cycle and travel by public transport. Developments should not result in vehicles harming residential amenity or cause highway safety issues.
- 12.3 The site is located within a cul-de-sac of residential properties. The property benefits from one off road parking space that will be used by the applicant for the parking of their vehicle during the hours of operation. The proposed nature of the business is that customers will drop their pet off at the site and return later to collect them. Whilst there are no allocated off road parking spaces for the customers to use, the cul-de-sac does not have any parking restrictions in place and as such customers will be expected to park on the road whilst dropping off or collecting their pet.
- 12.4 The Highway Authority has been consulted with regard to the application and has raised no objections subject to compliance with the hours of operation and management of appointments as set out in the submitted information. Customers are able to park on the highway safely to access the property, with no parking restrictions in the area.
- 12.5 On balance, whilst there will be additional visits to the site, with customers arriving to drop off their pet and collect them later; it is considered that this will not be of a significantly high number and will not be to the detriment of the surrounding highway network.

## **13. Historic Environment**

- 13.1 The property to which the application relates is not a listed building nor is the site located within a conservation area. Given the location and nature of the proposal there is no impact on the character and appearance of the setting of heritage assets. Therefore the provisions of Section 66 and 72 of the Planning

(Listed Buildings and Conservation Areas) Act 1990 are not engaged by the proposal.

#### **14. Flood Risk and Drainage**

- 14.1 Section 10 of the National Planning Policy Framework seeks to ensure that new development is not at risk from flooding, or does not increase flood risk elsewhere. It advocates the use of a sequential test with the aim of steering new developments to areas with the lowest probability of flooding. The Environment Agency produces flood risk maps which classifies land according to probability of flooding. The areas of highest risk are classified as Flood Zone 3, with a 1 in 100 or greater annual probability of flooding, and the areas of lowest risk are classified as Flood Zone 1, with a less than 1 in 1000 annual probability of flooding.
- 14.2 Whilst the site is located within a floodplain area, the proposed use as a dog grooming salon is classified as a 'less vulnerable use' than its current domestic status and as such the Environment Agency has raised no objections to the proposal.
- 14.3 The applicant has indicated that all foul water produced as a result of the proposed business activities will be disposed of into the existing mains sewer serving the existing dwelling which is considered to be acceptable.

#### **15. Biodiversity**

- 15.1 Paragraph 118 within Section 11 of the National Planning Policy Framework states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, planning permission should be refused.
- 15.2 The Natural Environment and Rural Communities Act 2006 states that public authorities in England have a duty to have regard to conserving biodiversity as part of policy or decision making.
- 15.3 Strategic Policy 29 lists criteria including development retain features of biological interest produces a net gain in biodiversity in line with Staffordshire biodiversity action plan species and supporting developments with multi-functional benefits.
- 15.4 The application proposes to make use of an existing domestic garage within the curtilage of No.8 Horton Avenue. The building by way of its nature, use and construction would not inherently be suitable for habitat to support local populations of protected species such as bats. Therefore it is not considered that its conversion would have a detrimental impact upon protected species identified in the area.

#### **16. Conclusions**

- 16.1 Considering all of the above, it is concluded that subject to various conditions the proposal complies with the overall aims of the relevant Local Plan Policies, the 'Made' Stretton Neighbourhood Plan, the East Staffordshire Design Guide

and the NPPF including the aims of the relevant sustainability criteria of Policy SP1.

- 16.2 The proposal will result in a new business within the area providing employment for the applicant. The proposal makes use of an existing building within the settlement boundary in accordance with the criteria set out in the Stretton Neighbourhood Plan.
- 16.3 The impact upon the amenities of neighbouring dwellings can be adequately managed through appropriately worded conditions to reduce noise and disturbance and highway safety is not compromised. There are no heritage assets affected by this proposal.
- 16.4 Having weighed in the balance and having taken account the relevant policies of the development plan contained in the Local Plan and the Stretton Neighbourhood Plan, SPDs and the NPPF and other material considerations it is considered that the proposed development should be approved subject to appropriate planning conditions.

### **Recommendation**

16.5 **PERMIT** subject to the following conditions –

- Standard time limit for the commencement of the development (0000001A).
- Compliance with the approved plans (subject to other conditions) (00002).
- Hours of operation (00011b).
- Compliance with details of appointment management as stated in email dated 15<sup>th</sup> July (bespoke)

### **Informatives:**

- Standard engagement informative (003a).

## **17. Background papers**

17.1 The following papers were used in the preparation of this report:

- The Local and National Planning policies outlined above in section 7.
- Papers on the Planning Application file reference P/2017/00695.

## **18. Human Rights Act 1998**

18.1 There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these potential issues are in this case amply covered by consideration of the environmental impact of the application under the policies of the development plan and other relevant policy guidance.

## **19. Crime and Disorder Implications**

19.1 It is considered that the proposal does not raise any crime and disorder implications.

**20. Equalities Act 2010**

- 20.1 Due regard, where relevant, has been had to the East Staffordshire Borough Council's equality duty as contained within the Equalities Act 2010.

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