

## DONCASTER METROPOLITAN BOROUGH COUNCIL

### PLANNING COMMITTEE – 22 August 2017

Application	3
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Application Number:	17/01262/COU	Application Expiry Date:	17th July 2017
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Application Type:	Full Application
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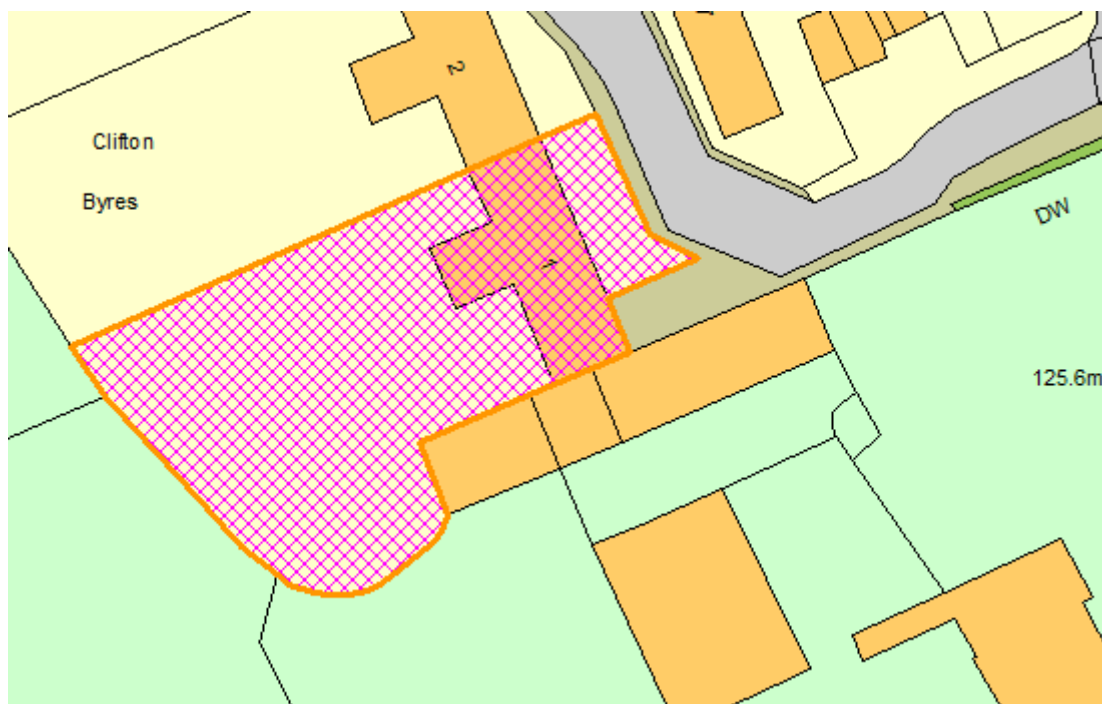
Proposal Description:	Change of use of domestic shed to a dog grooming business.
At:	1 Clifton Byres Clifton Rotherham S66 7RS

For:	Miss Hannah Burkinshaw
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Third Party Reps:	5	Parish:	Conisbrough Parks Parish Council
		Ward:	Conisbrough

Author of Report	Alicia Hunston
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MAIN RECOMMENDATION:	GRANT
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## **1.0 Reason for Report**

1.1 The application is being presented to committee due to the significant public interest shown in the application.

## **2.0 Proposal and Background**

2.1 The applicant is seeking consent for the change of use of an existing domestic outbuilding (shed) to be used a Dog Groomers (Sui Generis).

2.2 The groomers would be located within the rear garden of no.1 Clifton Byres, in an existing shed. The shed would be accessed through the main dwelling house but the operational use as a dog groomers would be limited to the shed in the rear garden.

2.3 The site is located within the Residential Policy Area but the rear of the site does partially fall within land allocated as Green Belt as defined by the Doncaster Unitary Development Plan 1998 saved by the Secretary of State September 2007.

## **3.0 Relevant Planning History**

3.1 None

## **4.0 Representations**

4.1 The application has been publicised by sending letters of notification to adjoining neighbours; site notice and press advert for a departure from the development plan. However, as outlined above the majority of the site is within the Residential Policy Area and is therefore not considered to be a departure.

4.2 5 letters of objection have been received; given that the application was re-advertised many residents have commented more than once, but they are considered to be one representation as a whole.

4.3 The concerns registered within the representations are detailed below:

- Loss of security on Clifton Byres as a result of business use in residential area.
- Would set a precedent of running a business in this residential area.
- Would result in an increase in waste at the property.
- Would result in an increased amount of unwanted and unsolicited visitors.
- Increase amount of on street parking as driveways at the site are over-used now. The increased amount of on street parking would result in a restricted access for emergency vehicles.
- The proposal would result in an increased amount of noise generation at the property from the amount of dogs there and the equipment required conducting the business.

- Nothing to prevent the dog owners from dropping off and collecting dogs at the property.
- Shed measurements on plan are inaccurate.
- Covenants on the land restricting businesses from operating at the properties; however covenants are not a material planning consideration, and cannot be taken into consideration when determining planning applications.

N.B The applicant has confirmed the measurements and provided photos of the shed. The shed would be 3m by 2m and they consider it to be suitable to operate this business, the applicant is aware that if a larger structure is required planning permission may be required.

## **5.0 Parish Council**

5.1 The Parish council has objected to the scheme on the grounds of access, parking, noise, trading hours, waste disposal, signage, security and it would result in a business operating on a private residence. The Parish Council also raised that there is covenant on the land restricting businesses being operated on the land.

## **6.0 Relevant Consultations**

6.1 Highways - The proposal can accommodate one dog at a time, presumably on an appointment basis and as such there are no objections from a highway point of view.

6.2 Environmental Health - No objections to the proposed change of use, and no request for conditions.

6.3 Yorkshire Water - No objections have been received.

6.4 Internal Drainage: No comments to make on this application.

6.5 Conservation: The proposed change of use is to an existing outbuilding which does not require external alterations that would affect this character and consequently there is no conservation objection to the application.

## **7.0 Relevant Policy and Strategic Context**

### **7.1 National Planning Policy Framework**

Principle Planning Policy 1 - Building a strong competitive economy

### **7.2 Doncaster Council's Core Strategy**

CS1 - Quality of life

CS14 - Design and sustainable construction

### **7.3 Saved Doncaster Unitary Development Plan**

ENV3 - Green Belt

PH12 - Non - Residential Use within Residential Policy Areas

## **8.0 Planning Issues and Discussion**

### Principle of Development

8.1 The site is allocated within the Residential Policy Area and part of the site towards the rear of the site is within the Green Belt; the principle will need to be assessed on both designations.

8.2 Saved Policy ENV3 outlines that only certain types of development would be acceptable dependent on the provision of very special circumstances; the development deemed appropriate is as follows: -

- Agriculture and forestry
- Outdoor sports and outdoor recreation
- Cemeteries and other land uses which preserve the openness of the green belt and which do not conflict with the purposes of including land in it
- Limited infilling in existing villages
- The re-use of existing buildings
- Limited extension, alteration or replacement of existing dwellings/

The entirety of the above are subject to certain limitations but some of the limitation policies are not saved.

8.3 The National Planning Policy Framework outlines that Green Belt boundaries should be clearly defined using physical features that are readily recognisable and likely to be permanent. It is clear that when the Unitary Development Plan was adopted that the site was likely used for agricultural purposes and the land to the rear of the former barn was likely to be open fields. However during the plan period (which has been extended), the former barns have been converted and the rear of the barns have now become residential amenity areas with all the associated facilities and equipment; including boundary fences. It is therefore considered that the openness of the land to outline the Green Belt clearly has been lost.

8.4 The NPPF also outlines that defined villages should only be included within the Green Belt boundary if the village itself contributes to the Green Belt; which arguably this doesn't as the hamlet is dense and the remainder of the settlement is not included within Green Belt boundary. Therefore this indefensible boundary of the Green Belt is considered to be a very special circumstance and the proposed operation of dog groomers at this address is considered to be appropriate development in terms of Green Belt. Given the proposal does not include the erection of any new buildings and is within the defined residential curtilage; the openness of the Green Belt is not impacted upon.

8.5 Given that part of the site lies within the Residential Policy Area, it is also considered necessary to assess the proposal under policy PH12 of the UDP, which outlines the following: Saved Policy PH12 states that within the Residential Policy Areas the establishment or extension of non-residential uses of appropriate scale will be permitted provided the use would not cause unacceptable loss of residential amenity through, for example, excessive traffic, noise, fumes, smells or unsightliness; which will be discussed in more detail below.

### Highways and Parking

8.6 The comments received from the neighbouring residents in relation to parking, emergency vehicle access and impact to wider road network of Clifton are noted.

8.7 However, having consulted with Highways Development Control, it has been stated that there are no objections to the application from a highways perspective given the proposal is significantly low key and will not have any adverse impact on the adjoining highway. The highways officer has suggested that the site can accommodate one customer at a time; which is what the applicant wishes to operate under. It is also the intention of the applicant to collect and deliver the dogs for grooming from her clients in her own vehicle, meaning no increase pressure for parking and turning within the residential setting. This lack of customer interaction at the premises is also secured by condition. It is therefore considered that the proposal would not result in a detrimental impact on pedestrian or highways safety; in accordance with Saved Policy PH12 of the UDP and Core Strategy Policy CS14.

### Residential Amenity

8.8 Policy CS1 of the Core Strategy supports the provision of flexible working practices and Policy PH12 of the UDP allows non-residential uses near housing 'provided the use would not cause unacceptable loss of residential amenity through, for example, excessive traffic, noise, fumes, smells or unsightliness.'

8.9 The requirement as to whether planning permission is necessary for working at home is a matter of fact and degree. On many occasions grooming dogs at a residential property can be conducted without needing planning permission. The Local Planning Authority frequently advises that up to 14 dogs a week would constitute an ancillary use of the premises and would not require planning consent; it should be noted this assessed on a case by case basis.

8.10 In this case, the applicant would be the sole employee; the shed would be converted solely for a business use but there could be space for additional storage for tools etc. The groomers would operate Mon-Fri 09:00 to 17:00 and Saturday 10:00 to 16:00; 3-4 days a week within those hours. Meaning most likely the amount of customers would not exceed 14 dogs week; thus in normal circumstances this would constitute permitted development, as the operation is so minor it would not alter the main use of the site as a residential dwelling and associated residential curtilage.

8.11 Members should note that whilst the proposal could be considered to be permitted development given the number of clients proposed each week. The benefit of this application is that we can implement elements of control i.e. the opening hours and the amount of clients at the site at any one time. If this application is refused by members it is likely that a dog grooming business could still operate at the dwelling, providing the number of dogs is limited to 14 a week.

8.12 The comments received from the neighbouring residents are noted and have been taken into consideration when assessing this aspect of the application.

8.13 Access to the grooming shed would be from the main access door of the dwelling and or the garages which lead to the rear amenity area. Parking is provided at two driveways which can accommodate the existing vehicles at the site, as no customers would visit the site as the applicant is offering a pick up and drop off service to reduce the number of vehicles coming to the site. The main source of noise generation would be from the equipment and potential of barking dogs. All activity would be internal within the outbuilding.

8.14 It is estimated by the applicant that 2 to 3 dogs would be groomed at the site on anyone day and given the business would be on a part time basis it is unlikely that this would be every day of the week. The parlour would have 1 grooming table and bath, with one crate area for when the dog is waiting to be groomed or dropped off at their home; given the restrictive size of the outbuilding it is not considered that the business could operate on a greater scale than proposed.

8.15 The Council's Environmental Health Department have reviewed the submitted information and the proposal and do not wish to make any objections to the application. It is considered that the use is minor and therefore has a minor impact in terms of noise generation and the amount of waste that would be generated would also be minor. The Environmental Health Officer also does not wish to include any conditions to this decision. However, in order to mitigate any minor impact that may be generated by the operation of this use, conditions are suggested to restrict the hours of operation, the prevention of customers visiting the site. These conditions have been agreed by the applicant who wishes to ensure that the living conditions of neighbouring residents are maintained.

8.16 The neighbouring residents have raised concerns relating to additional visitors to Clifton Byres which may raise security issues. These concerns are alleviated by the applicant operating a collection and drop off service meaning no customers visiting the site.

8.17 The applicant is also willing to except a temporary consent for a 12 month period, in order for the use to be monitored to ensure that there is no impact to the neighbours. However for the reasons described above the use is recommended on a permanent basis.

8.18 It is considered that the proposal is unlikely to materially affect neighbouring properties due to the intensity of the use and the proposed hours of operation. It is therefore considered that the proposal would not result in an increase of noise, traffic, waste, or smells. The proposal is considered to be in accordance with Policy PH12.

## Visual Amenity and Impact to the Conservation Area

8.19 The application site is located on the edge of Clifton Conservation Area. The application site is part of a range of modern bungalow development in linear form and constructed of limestone and pantile to reflect this character.

8.20 The proposed change of use is to an existing outbuilding and would not alter the character of the Conservation Area. Given the limited movements to and from the site by the applicant, it is not considered the proposal would materially affect the character of surrounding Conservation Area.

## **9.0 Summary and Conclusion**

9.1 The proposal is for a very low key non-residential use within an area designated as both Residential Policy Area and Green Belt. The use is not considered to have any wider impact on the character of the Green Belt, residential setting or adjacent Conservation Area. Whilst the proposal would normally be regarded as permitted development the full application has been applied for and must be determined. The limitations suggested within the conditions will ensure the use is of a scale that will not cause harm to the living conditions of neighbouring occupiers and highway safety. It is for the aforementioned reasons that the application is recommended accordingly.

## **10. Recommendation**

### **Grant Planning Permission subject to the following conditions.**

01. STAT1            The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.  
REASON  
Condition required to be imposed by Section 91(as amended) of the Town and Country Planning Act 1990.
02.                    The development hereby permitted must be carried out and completed entirely in accordance with the terms of this permission and the details shown on the approved plans listed below:  
Existing and Proposed Floor Plans dated 22nd May 2017  
Location Plan dated 17th May 2017  
Supporting Letter dated 28th June 2017  
REASON  
To ensure that the development is carried out in accordance with the application as approved.

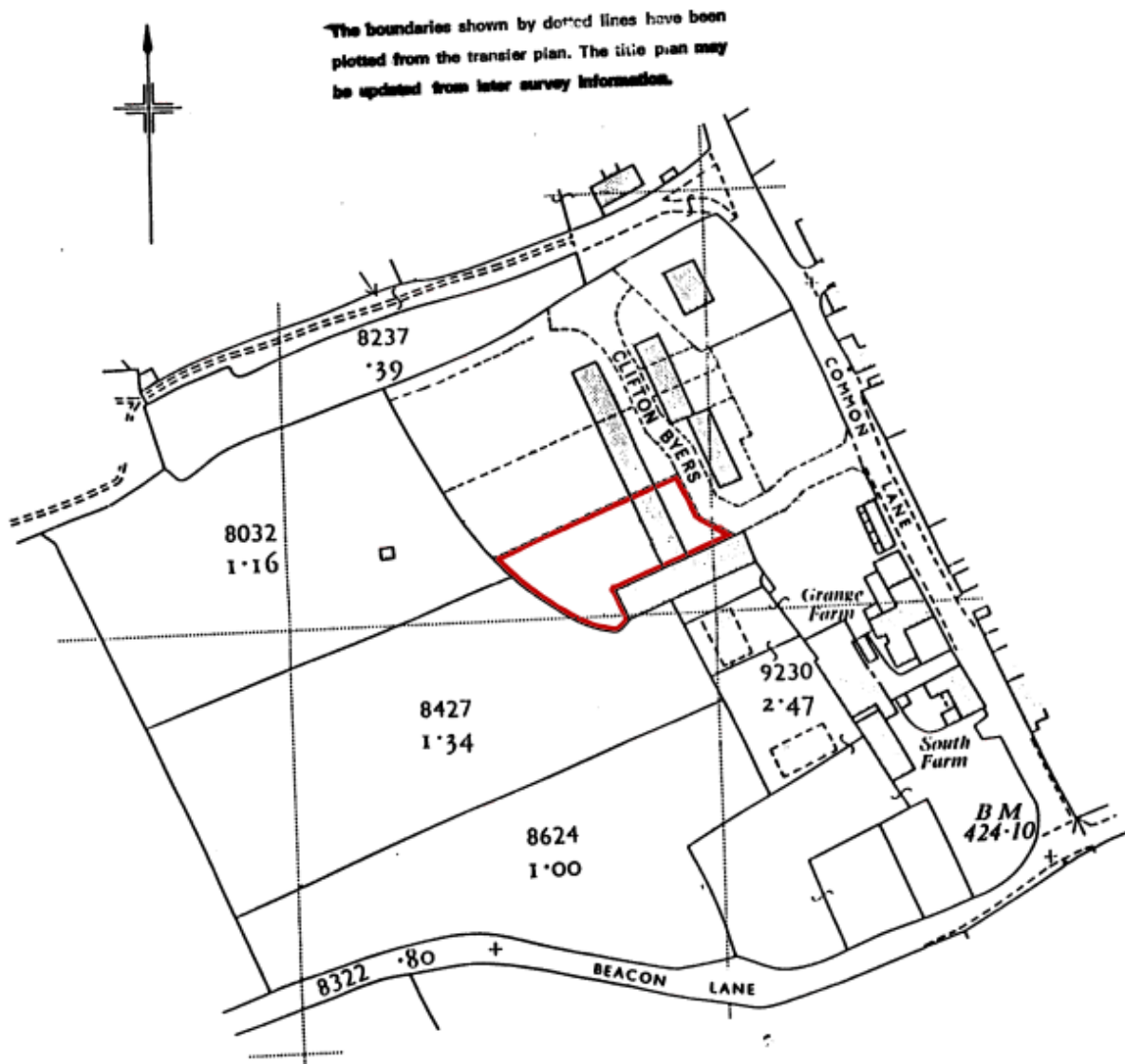
03. The hours of opening shall be limited to: Mondays to Fridays 09:00-17:00 and Saturdays 10:00 - 16:00 hours and not at all Sundays or Bank Holidays; the use shall not operate more than 4 days a week within the remit of the hours outlined.  
REASON  
To ensure that the development does not prejudice the local amenity; in accordance with PH12.
- 04 The planning permission hereby granted shall be exercised by and inure solely for the benefit of Ms H Burkinshaw (the applicant) only; and shall be the sole employee at this site.  
REASON  
To restrict the use to the needs of the applicant only in the interests of the proper planning of the area and to reflect the applicant's personal circumstances.
05. In accordance with the details provided in writing by the applicant there shall be a maximum of three client appointments per day and no more than 14 per week.  
REASON  
In the interests of protecting the amenity the amenity of the neighbours, in accordance with Policy PH12 of the Unitary Development Plan.
06. No more than 2 dogs shall be present at the premises for the purpose of the permitted use at any one time.  
REASON  
To ensure that the development does not prejudice local amenity as required by Policy PH12 of the UDP.
07. No customers shall visit the premises at any time, with all animals being collected and delivered by the applicant.  
REASON  
In the interests of protecting the amenity the amenity of the neighbours, in accordance with Policy PH12 of the Unitary Development Plan.

**The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.**



**Appendix 1**

Location Plan



Appendix 2

Floor Plans

