

Report of the Chief Executive

**18/00070/FUL
CHANGE OF USE FROM DOMESTIC GARAGE TO DOG GROOMING
SALON
21 OAKLAND WAY STRELLEY NOTTINGHAMSHIRE NG8 4JS**

Councillor Philip Owen has requested this application be determined by the Planning Committee.

1 Details of the Application

1.1 This application seeks permission to change the use of an existing integral domestic garage to a dog grooming salon.

1.2 The applicant has provided the following information, clarifying the extent of the business use:

- This is a new business venture with minimal initial costs involved in the conversion of the existing garage.
- The applicant has invested a substantial amount of their income in training to become a groomer and to operate a professional business.
- No other staff will be employed and the business will operate around the applicant's current job.
- It is intended the business will operate during the hours of 9am – 5pm Monday to Friday and 10am to 2pm Saturdays, although there is no intention to operate the business six days a week, but these operating times will give customers flexibility.
- Up to three dogs (average two dogs) to be groomed per day, by appointment only and a formal diary of appointments will be kept.
- There would be only one dog being groomed at any one time.
- Potential clients would be a mixture of local residents and members of the public gained through word of mouth.
- Most equipment to be used will be hand tools such as scissors, combs, brushes etc, although there will be electrical equipment used including hair clippers of a high quality/low noise which are specially selected to create less stress for the dogs. A dog bath/ shower will also be used which will make as much noise as a household shower and a driver/blaster which are available in modern low volume formats and which will be used for a maximum of around 10 to 15 minutes per dog.
- The only waste produced in the operation would be the clipped dog hair.

2. Site and Surroundings

2.1 The application site consists of a three storey end of terrace residential property, with a driveway to the front and garden to the rear. The surrounding area is predominantly residential, with Bilborough College located to the south. Directly to the front of the site there is an access driveway, with a landscaped area located beyond fronting onto Bilborough Road.



Frontage of garage and existing driveway.



Access road leading to property.

3. Relevant Planning History

3.1 Outline planning permission (02/01095/OUT) was granted in 2003 for the redevelopment of the college campus to include (a) new college buildings, sports hall, car park on southern part of the site (within Nottingham City), (b) residential development on northern part of site (within Broxtowe) and (c) new site access road and roundabout junction to Bilborough Road.

3.2 In 2006, the reserved matters application in association with the earlier outline permission was granted for 118 houses and apartments with associated works (06/00693/REM).

4 Policy Context

4.1 **National policy**

4.1.1 The National Planning Policy Framework (NPPF) March 2012 contains a general presumption in favour of sustainable development whereby planning permission should be granted for proposals that accord with the development plan without delay. Where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless any adverse impacts of permitting the development significantly and demonstrably outweigh the benefits, or specific policies in the framework indicate development should be restricted. It outlines 12 core planning principles which should underpin the planning system including that planning should be plan-led, a good standard of amenity for existing and future occupants should be secured and developments should be located in sustainable locations.

4.2 **Broxtowe Aligned Core Strategy**

4.2.1 The Council adopted the Core Strategy (CS) on 17 September 2014.

4.2.2 'Policy A - Presumption in Favour of Sustainable Development' reflects the presumption in favour of sustainable development contained in the NPPF. Applications which accord with the Local Plan will be approved without delay unless material considerations indicate otherwise.

- 4.2.3 Policy 2 - The Spatial Strategy states sustainable development will be achieved through urban concentration with regeneration.
- 4.2.4 Policy 4 - Employment Provision and Economic Development will be achieved through provision of suitable sites which assist regeneration and are attractive to the market.
- 4.2.5 Policy 10 – Design and Enhancing Local Identity states new development should reinforce local characteristics and development will be assessed in terms of its treatment of the impact on the amenity of nearby residents.
- 4.2.6 Policy 14 - Managing Travel Demand states that the need to travel by private car should be reduced by locating developments in the most accessible locations.

4.3 Saved Policies of the Broxtowe Local Plan

- 4.3.1 The Part 2 Local Plan is currently under preparation. Until adoption, Appendix E of the Core Strategy confirms which Local Plan policies are saved. Relevant saved policies are as follows:
- 4.3.2 Saved Policy H8 – Businesses in Residential Areas and Properties: Will be permitted where residential amenity and character is not adversely affected, and there is appropriate parking provision.
- 4.3.3 Saved Policy T11 and Appendix 4 – Guidance for Parking Provision: Permission will not be granted for new development unless appropriate provision is made for vehicle parking and servicing in accordance with the Highways Authority guidelines.

4.4 Part 2 Local Plan (Draft)

- 4.4.1 The Part 2 Local Plan includes site allocations and specific development management policies. Consultation on the draft plan occurred between 18 September and 3 November 2017. The consultation comments are currently being considered and a summary of the comments provided were reported to the Council's Jobs and Economy Committee on 14 December 2017. Due to the current stage of the plan preparation, only limited weight can be attached to the policies.
- 4.4.2 Policy 17 'Place-making, design and amenity' states that permission will be granted for development which meets a number of criteria (where relevant) including that it integrates into its surroundings; provides, or is close to, community facilities; has good access to public transport; creates a place with a locally inspired or otherwise distinctive character; takes advantage of existing topography and buildings; provides sufficient, well-integrated parking; ensures satisfactory standards of amenity for existing and proposed residents; enables convenient use by people with limited mobility; incorporates ecologically sensitive design, with a high standard of planting (makes use of native species) and features for biodiversity (including bat/bird boxes) and does not prejudice the development of a larger site. An assessment in relation to 'Building for Life' criteria will be required to be submitted within the Design and Access Statement.

4.5 Nuthall Neighbourhood Plan

- 4.5.1 The submission version of the Nuthall Neighbourhood Plan was published on 26 February, with the consultation period ending on 20 April 2018. Policy 5 'Design and the Historic Environment' states that design of all new development should enhance and positively contribute to the character of the area in which it is located. Due to the current stage of the plan preparation, only limited weight can be attached to the policies.

5 Consultations

- 5.1 Nottinghamshire County Council as the Highway Authority raise no objections to the proposal.
- 5.2 The Council's Environmental Protection Officer offers no objections to the proposal subject to conditions restricting the opening hours and the requirement for a scheme of insulation to mitigate noise emanating from the building to be submitted and approved prior to the use commencing.
- 5.3 Three neighbouring properties were consulted on the application. During the course of the application, one letter of support has been received from a neighbouring property. One letter of objection has also been received raising concerns in respect of noise, additional comings and goings and parking.

6 Appraisal

- 6.1 The main issues relating to this application are the principle of development, impact upon neighbouring amenity with regards to noise and disturbance and highway safety. These are discussed in turn as follows:

6.2 **Principle of Development**

- 6.2.1 Numerous types of business activities can be run from home where a material change of use has not taken place without the need for planning permission. The proposed dog grooming within this application would be a small scale business operating from an existing integral garage. The residential character of the street would therefore not be adversely affected. It is considered that the proposed use would be "sui generis" as prior appointments would be required rather than a Class A1 dog parlour which promotes services to passers-by. The principle of this type of small scale business from home is therefore considered to be acceptable.

6.3 Residential Amenity

- 6.3.1 Policy H8 – Businesses in Residential Areas states that business activities in residential areas will be permitted where the residential amenity of neighbouring properties is not adversely affected.
- 6.3.2 It is considered that the scale of the business would only attract a small number of customers and the applicant has confirmed that services would only be provided for up to three dogs each day. The Council's Environmental Health Officer has confirmed no objections to the proposal subject to the imposition of conditions. These conditions relate to restricting the opening hours and the requirement for a scheme of insulation to mitigate noise emanating from the building to be submitted and approved prior to the use commencing.
- 6.3.3 It is considered that the imposition of relevant conditions relating to numbers of dogs, operating hours, the keeping of an appointment diary and the requirement for a noise emanating scheme prior to the use commencing would ensure that the amenity of occupiers of neighbouring residential properties would not be significantly affected. Any likely noise, such as barking from dogs which are being treated, would be similar to the occupier having numerous dogs as pets. If only one dog is on the premises at any one time, this is unlikely to be of significant noise levels or longevity to cause significant harm. However, any statutory noise nuisance could be addressed through Environmental Health legislation.
- 6.3.4 Overall, the proposal constitutes a low-level, working-from-home business where the residential character of the street would not be adversely affected. It is considered that any noise or activity generated would not be significantly greater than could be expected within a residential area, and that the use can be appropriately controlled by conditions to ensure it is acceptable in this area.

6.4 Highway Safety

- 6.4.1 Policy T11 of the Broxtowe Local Plan (2004) advises that appropriate provision should be made for parking.
- 6.4.2 Concerns have been raised by a local resident in respect of the additional comings and goings the business will create and parking issues.
- 6.4.3 Access to the property is via a private driveway serving the site which is located off the main section of road serving Oakland Way. Directly to the front of the property there is a driveway. It should be noted that Oakland Way is restricted in respect of parking permits between the hours of 9am – 4pm Monday – Friday. Although the applicant has advised one further parking permit could be applied for from Nottinghamshire County Council for visitors, given the low key nature of the business and the fact that the applicant only envisages up to three dogs per day, it is not considered the proposed business will lead to an increase in comings and goings or parking issues within the locality.

6.4.4 The Highway Authority offer no objections to the proposal and advise that given there would only be three additional cars visiting the property per day with dogs, the impact upon highway safety would be very minimal.

7 Conclusion

7.1 It is considered that, having regard to the relevant policies of the Development Plan, National Planning Guidance and to all other material considerations, the development is acceptable and that there are no circumstances which otherwise would justify the refusal of permission.

Recommendation

The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions:

- 1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.**
- 2. The development hereby permitted shall be carried out in accordance with the Site Location Plan (1:1250), Block Plan (1:500) and Proposed Elevations/Floor Plans received by the Local Planning Authority on 12 February 2018.**
- 3. The dog grooming business hereby approved shall be carried out only during the following times: 09.00 – 17.00 Monday – Friday, 09.00 - 13.00 Saturdays and at no time on Sundays, Bank Holidays or other Public Holidays.**
- 4. Other than the applicant, no members of staff shall be employed to work at the premises.**
- 5. Dog grooming shall be undertaken by an appointment system only. Appointment diaries shall be kept and made available to the local planning authority on request. A maximum of 3 dogs per day shall be groomed. Only 1 dog shall be groomed at the premises at any one time.**
- 6. All dog grooming shall be carried out with all external windows and doors closed.**
- 7. Prior to commencement of the use hereby permitted, a scheme of sound insulation shall be submitted to and approved by the Local Planning Authority, and the works shall be completed in accordance with the approved details, and retained for the duration of the use.**

Reasons

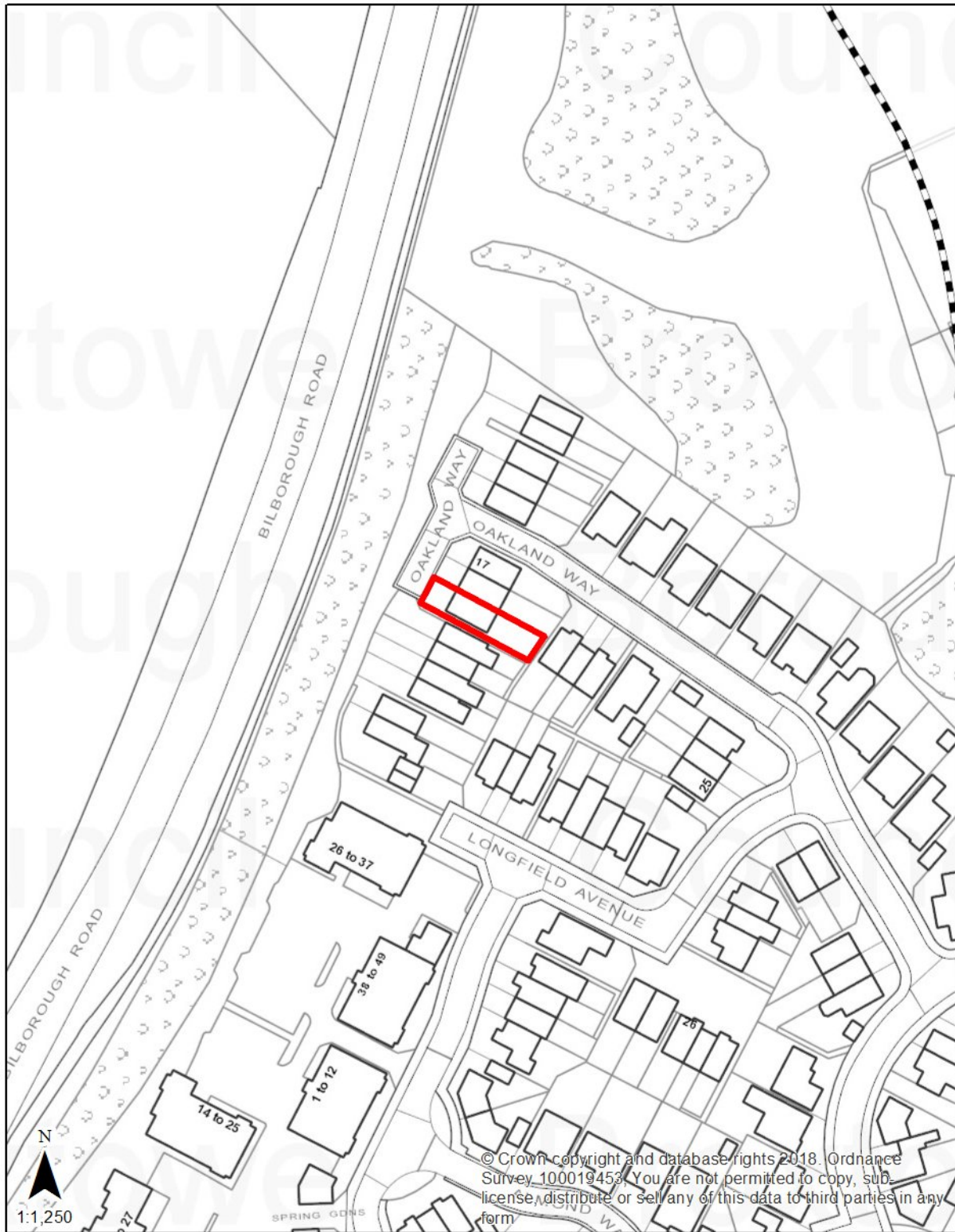
- 1. To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.**
- 2. For the avoidance of doubt.**

3. To protect nearby residents from excessive operational noise.
4. To ensure that the use operates in accordance with the interests of the amenities of nearby residents.
5. In the interests of the amenities of nearby residents and in accordance with the aims of Policy H8 of the Broxtowe Local Plan (2004).
6. In accordance with the applicant's stated intentions, in the interests of the amenities of nearby residents and in accordance with the aims of Policy H8 of the Broxtowe Local Plan (2004).
7. To protect nearby residents from excessive operational noise.


Note to applicant

The Council has acted positively and proactively in the determination of this application in line with the guidance contained within paragraphs 186 and 187 of the National Planning Policy Framework, by communicating with the agent throughout the course of the application.

Background papers
Application case file



Legend

 Site