

Report of the Chief Executive

APPLICATION NUMBER:	22/00094/FUL
LOCATION:	7 Wharton Crescent, Beeston, Nottinghamshire, NG9 1RJ
PROPOSAL:	Retain change of use of garage, including removal of garage door and insertion of window, to use as a dog grooming salon

Councillor S Dannheimer has requested this application be determined by Committee.

1.1 Purpose of the Report

The application seeks full planning permission for the retention of a change of use of integral garage, including removal of garage door and replacement with window, to use as a dog grooming salon.

1.2 Recommendation

The Committee is asked to RESOLVE that planning permission is granted subject to the conditions outlined in the appendix.

1.3 Details

1.3.1 The application seeks planning permission to retain a change of use of a garage, including removal of a garage door and insertion of a window, to use as a dog grooming salon.

1.3.2 The dwelling is an end-of-terrace three storey property in a row of three houses.

1.3.3 The main issue relates to the impact of the use on the amenities of the occupiers of neighbouring property, and whether the use is acceptable in a residential setting.

1.3.4 The benefits of the proposal are that it would enable a small business to operate, would have an acceptable design, would not have a significant negative impact on neighbour amenity and would be in accordance with the policies contained within the development plan. It is considered that there are no significant negative impacts, therefore the proposal is considered acceptable.

1.4 Financial Implications

There are no additional financial implications for the Council with the costs/income being within the normal course of business and contained within existing budgets.

1.5 Legal Implications

The comments from the Head of Legal Services were as follows: The Legal implications are set out in the report where relevant, a Legal advisor will also be present at the meeting should legal considerations arise.

1.6 Data Protection Compliance Implications

Due consideration has been given to keeping the planning process as transparent as possible, whilst ensuring that data protection legislation is complied with.

1.7 Background Papers

Nil.

APPENDIX

1. Details of the Application

- 1.1 The proposal is to retain a conversion of the garage for use as a dog grooming business. To the front (facing Wharton Crescent), the garage door has been removed and replaced with a window. Internally a wall has been installed to provide a grooming salon and a separate dog bathing area, and a door to the residential living space has been moved nearer the front door.
- 1.2 No additional staff are to be employed and the applicant will be the sole operator. The hours of use are stated as Tuesday to Friday 9am—5pm, Saturday 9am-5pm, Sunday to Monday closed, and is currently operated in line with these hours.

2. Site and Surroundings

- 2.1 The application property is an end terrace dwelling and is located in a built-up residential, with housing surrounding the site. To the rear, there is a shared parking area and shared garage block. The property is situated at a relatively flat level, with a front driveway with space for 1 car. At the front, the boundary is open with some hedging to the sides. To the north east side there is an alley with shared access to the rear and parking area.

3. Relevant Planning History

- 3.1 The dwelling and neighbouring houses were constructed under planning reference 06/00728/FUL - Construct 146 dwellings with associated garaging and car parking and provision of recreational facilities (revised scheme). There are no planning conditions restricting the conversion of the garage to habitable space.

4. Relevant Policies and Guidance4.1 **Greater Nottingham Aligned Core Strategies Part 1 Local Plan 2014:**

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

- Policy A: Presumption in Favour of Sustainable Development
- Policy 2: The Spatial Strategy
- Policy 10: Design and Enhancing Local Identity

4.2 **Part 2 Local Plan 2019:**

The Council adopted the Part 2 Local Plan on 16 October 2019.

- Policy 17: Place-making, design and amenity
- Policy 19: Pollution, Hazardous Substances and Ground Conditions

4.3 **National Planning Policy Framework (NPPF) 2021:**

- Section 2: Achieving Sustainable Development
- Section 4: Decision making
- Section 6: Building a strong, competitive economy
- Section 12: Achieving well-designed places.

5. Consultations

5.1 **Councillors:**

- Councillor T A Cullen – No comment received.
- Councillor S Dannheimer – Called in the application to Planning Committee.

5.2 **Consultees:**

- Environmental Health – have no objections to the proposal, subject to conditions related to opening hours, number of clients per day and number at any time, and the permission to be based solely for the benefit of the applicant being included in any decision.

5.3 A total of 3 neighbours were consulted on the received application, with 1 comment received objecting to the proposal, providing the following:

- The business started operating from the address in November 2021 – the business previously operated from commercial premises in Long Eaton Town Centre.
- Inaccurate plans (width of property should be 5m) – Applicant submitted corrected plan on 9/2/23.
- Incomplete Flood Risk Assessment submitted, missing pages.
- Inaccurate statement.
- Air Conditioning Unit.
- Extended driveway.
- Noise nuisance.
- Public health nuisance.
- Traffic disruption.
- Does not comply with local or national policies.
- Condition suggestions.

6. Assessment

6.1 The principle of running a business from home is acceptable subject to the assessment of the impact of the use on the amenities of the occupiers of neighbouring property.

6.2 Design

6.2.1 The garage is externally retained as is, except for the replacement of the garage door with a window and associated works. Therefore, it is considered that these

changes are appropriate and would not be overly prominent from the street scene and therefore would have no significant impact.

6.3 Amenity

6.3.1. It is considered that the use would not have a significant impact on the amenities of the occupiers of nearby property in terms of noise and disturbance. This is due to the position of the dwelling within a through road and the size and nature of the proposed business use which would accommodate one client at a time, with the limited amount of customers that could attend each day. In respect of the attached neighbouring property (no. 9) and noise transference, the use is contained within a converted garage with no. 9's front door and hallway next to it, with daytime living space for both properties on the first floor. Further, due to the above, the noise may be considered comparable to noise created from normal domestic use the daytime period. Even so it is considered reasonable and in consideration of neighbour amenity that the use should be subject to restrictive conditions regarding hours of use and intensity.

6.3.2 No additional staff are to be employed and the applicant will be the sole operator. The hours of use are currently and stated as Tuesday-Friday 9am—5pm, Saturday 9am-5pm, Sunday-Monday Closed. Due to the size of the facilities it would be unlikely to be able to provide a service to more than one customer at a time. Environmental Health have requested conditions covering hours of use, number of clients and personal use. Therefore, as the business is situated within a residential area, these will be conditioned in order to safeguard neighbour amenity.

6.3.3 Overall, it is considered that the proposed business use will not have an unacceptable impact on the amenity of any neighbouring properties.

6.4 Flooding

6.4.1 The site is located within Flood Zone 2 and 3. A Flood Risk Assessment has been submitted which confirms that floor levels will be set no lower than existing and the development will receive flood proofing where appropriate. Whilst a residential dwelling is identified under table 2 'flood risk vulnerability classification' of the technical guidance to the national policy framework as a 'more vulnerable', the change of use of the garage as a dog grooming business – sui generis is identified as a 'less vulnerable' use. As this is not an application for a dwelling it is evident from table 3 'flood risk vulnerability and flood zone compatibility' of the technical guidance to the national policy framework that the proposed use is identified as appropriate within zone 3a areas'. It is considered that flood risk issues have been adequately considered and that the development will not increase flood risk.

In relation to the comment above the flood risk assessment page submitted provides the necessary information for this application, with the other pages providing guidance to the applicant.

6.5 Access and Highway Safety

6.5.1 There would be no footprint increase, as the use would be within an existing building and current parking would be retained. Due to the nature of the

proposal, it is likely it would only have one client at a time (maybe two at appointment change over times), though this will be mitigated through a planning condition. Therefore, it is considered that the use would not have any significant impact on access or upon highway safety.

6.6 Other Matters

6.6.1 Inaccuracy within plans and submitted statements – during the application process any necessary information has been requested or corrected to aid determination.

6.6.2 It has been mentioned on a supporting statement that in the near future an air-conditioning unit may be installed, this in itself may need planning permission and a noise assessment – a note to applicant would be included reminding them of this.

6.6.3 It has been mentioned on a supporting statement that the driveway may be extended on the frontage, the occupiers of the dwellinghouse would have the right to extend the driveway subject to compliance with Permitted Development Regulations.

6.6.4 Any public health concerns in relation to waste and dog fouling would need to be reported to the Council’s Environmental Health department, who would be able to carry out an investigation. Notwithstanding this, the Environmental Health Officer did not raise any concerns in this respect.

7. Planning Balance

7.1 The benefits of the proposal are that it would enable a small business to operate, would have an acceptable design, would not have a significant negative impact on neighbour amenity or on highway safety, and would be in accordance with the policies contained within the development plan.

7.2 It is considered that there are no significant negative impacts, therefore the proposal is considered acceptable.

8. Conclusion

8.1 Recommend that planning permission for the development is approved.

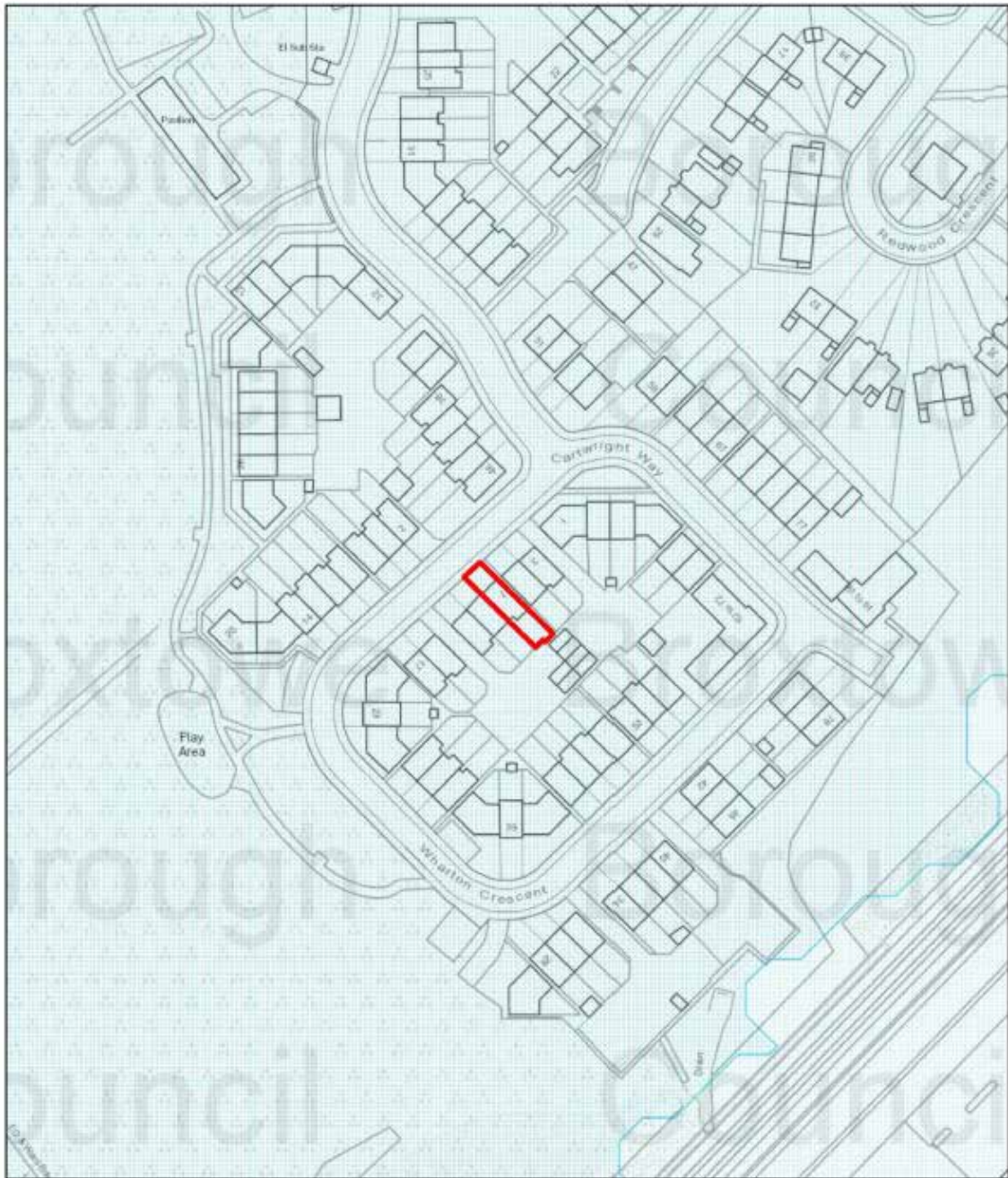
<u>Recommendation</u>	
The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.	
1.	The development hereby permitted shall be retained in accordance with the Site Location Plan received by the Local Planning Authority on 1 November 2023 and the proposed layout and proposed front elevation received by the Local Planning Authority on 9 February 2023.
	<i>Reason: For the avoidance of doubt.</i>

<p>2.</p>	<p>The premises shall not be used except between 09.00-17.00 hours Monday to Saturday, and at no time on Sundays, Bank Holidays and other public holidays without the prior agreement in writing of the Local Planning Authority.</p> <p><i>Reason: To protect nearby residents from excessive operational noise in accordance with the aims of Policy 17 and 19 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
<p>3.</p>	<p>The operation of the business hereby approved shall be undertaken on an appointment system only. Only one client shall be present at the premises for the purposes of the permitted use at any time.</p> <p><i>Reason: To protect nearby residents from excessive operational noise and to minimise demand for on-street parking, in accordance with the aims of Policy 17 and 19 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
<p>4.</p>	<p>All customer appointments in connection with the use hereby permitted must be pre-arranged allowing a minimum of 5 minutes between the end of one and the start of the next consecutive appointment. A record of all appointments and times must be kept by the operator of the business hereby permitted and shall be made available at all reasonable times for inspection by officers of the Local Planning Authority.</p> <p><i>Reason: To safeguard the amenities of residents living in dwellings located in the vicinity of the application site in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
	<p>NOTES TO APPLICANT</p>
<p>1.</p>	<p>The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.</p>
<p>2.</p>	<p>The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority</p>
<p>3.</p>	<p>You are advised that the proposed activities may require licensing. You are advised contact the Licensing and Environmental Health departments on 0115 9173485 to ensure the</p>

	internal layout and facilities comply with guidance for the proposed activities.
4.	Installation of an air conditioning unit to the building is likely to require planning permission and a noise assessment, you are advised to contact the planning department in advance of installation.

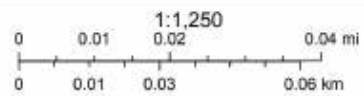
Map

7 Wharton Crescent Beeston Nottinghamshire NG9 1RJ



12/13/2022, 8:48:23 AM

-  Flood Zone 2
-  Flood Zone 3
-  Site



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Photographs



Front (north east) elevation.

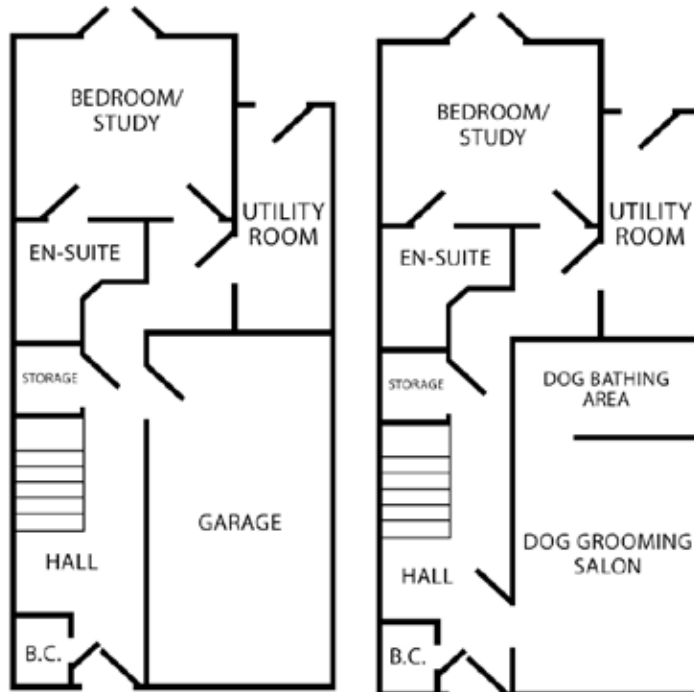


Street scene, with site in centre (Google Maps)

Plans (not to scale)



Existing & Proposed front principal elevation



Existing & Proposed floor plan