

Application No: 12/0717N

Location: 61, ROPE LANE, SHAVINGTON, CW2 5DA

Proposal: To make Permanent the Temporary Plans Granted in Planning Application 10/4412N to Erect Two Partition Walls in Order to Transform One Quarter of an Existing Garage into a Dog Grooming Salon, No External Alterations to be Made.

Applicant: Mrs A Venables

Expiry Date: 17-Apr-2012

SUMMARY RECOMMENDATION: Approve with Conditions

MAIN ISSUES:

- Principal of Development
- Impact on neighbouring amenity
- Impact on highway safety
- Impact on the streetscene and the existing dwellinghouse

1. REASON FOR REFERRAL

This type of development would normally be dealt with under the council's scheme of delegation; however it has been called into Southern Planning Committee by Cllr Brickhill following a request from the Shavington-cum-Gresty Parish Council.

2. DESCRIPTION OF SITE AND CONTEXT

The proposal site is situated within the Shavington Village settlement boundary as defined by the Crewe and Nantwich Replacement Local Plan 2011. The existing property is a semi-detached bungalow, within a streetscene of similar properties. The existing dwelling has a large outbuilding within the curtilage of the property which is large enough to house a caravan. The garage has a flat roof and a sliding garage door. The applicant has implemented an earlier temporary permission to convert a quarter of the garage for use as a dog grooming salon.

3. DETAILS OF PROPOSAL

The applicant seeks full planning permission for a permanent change of use of part of the garage to be used as a dog grooming salon. Temporary planning permission was given under planning reference number 10/4412N until the 29th February 2012. The applicant is also seeking to alter the number of dogs allowed at any time and the working hours.

4. RELEVANT HISTORY

10/4412N - putting up two partition walls in order to use one quarter of existing garage as a small dog grooming salon – Approved with conditions 24th February 2011

7/02664 – Double Garage – Approved 24/03/1977

5. POLICIES

The development plan includes the Borough of Crewe and Nantwich Replacement Local Plan 2011 (LP).

The relevant development plan policies are:

Local Plan Policy

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

RES.11 (Improvements and alterations to existing dwellings)

E.5 (Employment in Villages)

Other Material Considerations

National Planning Policy Framework

6. CONSULTATIONS (External to Planning)

Highways: There should be no “severe” impact on the surrounding highways infrastructure as a direct result of this proposal. No highways objections.

Environmental Health: Environmental Health are aware that the dog grooming business has been operating under a temporary permission for the last year, during this period we have not received any complaints in relation to the business. However in making the permission permanent there is the potential for loss of amenity caused by dogs barking on the premises, vehicles coming to and from the site as well as noise from equipment used in the dog grooming business. Therefore Environmental Health would recommend the following conditions to protect the amenity of local residents:

1. Hours of working, including deliveries, should be restricted to those specified in the application form i.e. 9am-6pm Monday to Friday and 9am-1pm Saturday, due to the close proximity of local residents.
2. Before the use commences the building (garage) together with any ancillary mounted equipment shall be acoustically attenuated in accordance with a scheme submitted to and approved by the borough council.
3. The business activities associated with the dog grooming shall be restricted to the detached garage in order to protect the amenity of local residents.
4. No more than 4 dogs connected with the business operation shall be on site at any one time.
5. Dogs associated with the dog grooming operation shall be kept inside the garage apart from access and egress to the site.

7. VIEWS OF THE PARISH / TOWN COUNCIL:

The Parish Council objects to the application on the following grounds:

1. The works approved by the previous application for a temporary one year period have only recently been carried out so the activity has not been in operation for long enough to have been adequately monitored under its current permission.
2. This is a commercial business in a residential area.
3. There is no air filtering or ventilation system in place, concern over dust and hair clippings being blown over neighbouring property.
4. If the door and window were opened to increase ventilation this would be at the expenses of noise pollution from the dryer.
5. The Parish Council is not convinced that the off-road parking provision for three vehicles is available as suggested.
6. There have been two serious road traffic accidents along this stretch of Rope Lane recently from vehicles travelling at excessive speeds.
7. Although not a planning consideration the Parish Council is aware of a covenant on the property preventing any commercial use.

The Parish Council has requested Ward Councillor David Brickhill to call-in the application for determination by the Committee.

8. OTHER REPRESENTATIONS:

- Letters of objection have been received from 20 households. The main issues raised are;

- Impact on neighbouring amenity,
- Noise from dogs and machines,
- Increased traffic generation,
- Insufficient parking provision,
- Commercial business should not be sited within the residential area,
- There are plenty of out of residential area properties for rent to run the business from,
- There have been 2 serious accidents on Rope Lane in the past couple of months,
- There is a covenant on the deeds stating that the dwellings should not be used for anything other than a dwellinghouse,
- Devaluation of neighbouring properties,
- The temporary permission was not implemented until fairly recently and therefore neighbours have not been able to assess the impact,
- Dust, dog hair and dander will have a negative impact on health of neighbouring properties,
- Parking area is not complete,
- If the door and window are left open it will render the sound proofing useless,
- Health and safety inspectors should look at the application,
- Loss of privacy due to increased movements,
- The residential area is largely occupied by elderly residence,
- A housing application opposite the proposal site was refused on the grounds that it would set a precedent, this application would also set a precedent for future commercial development in the area and therefore should also be refused,
- The applicant has not implemented the application in accordance with the restrictions posed in the decision notice,
- The increase in hours and staff numbers at the site will have an increased impact on neighbouring amenity more so than the temporary permission given previously,
- There has been no public consultation,
- The grooming salon has been in use after the temporary permission end date of the 29th February 2012,

- Several letters of objection have been received stating the information within the letter is private and confidential, therefore the issues raised within these letters have not been considered as part of this application.
- A letter of objection has been received from the ward Councillor David Brickhill. The objection reads,

"The ward councillor formally objects to the application primarily on the grounds that this is a domestic residential area where businesses are prohibited in the deeds and it is clear from this that it was never intended that businesses should be established here, particularly one where noise disturbance is likely."

Temporary planning permission was given for a one year trial a year ago. However the dog grooming business is reported not to have started until 2012 when the garage had been converted. That permission was for a very limited number of dogs per day and limited hours. This new application is for running a full business in full normal business hours.

It might be reasonable to renew the temporary permission for a further year provided the business was going to be run to extent that temporary licence permits, so that neighbours to the side and to the rear could indeed establish the level of disturbance and report properly on the same. In that instance advice should be given to them to maintain diaries.”

- Letters of support have been received from 3 households, the main issues raised are;
 - There have been no complaints to the temporary permission,
 - This applicant should be given a permanent permission in accordance with the restriction proposed by the Environmental Health department,
 - No objections have been received from the parish council, police, highways department or the Shavington & Gresty Residents Association about the application,
 - Is an appreciated facility in the village for local people who have dogs and do not need to travel by car to have them groomed,
 - The proposal has already been passed in principle,
 - If a permanent permission is given and the neighbours have reason to make a valid complain the Council will still have powers to address this,
 - Applicant should be commended for creating jobs in this uncertain time,
 - A further temporary permission will incur further application fees to the applicant,
 - The site is set within a village where there are other existing business such as a Post Office, Off Licence, Hairdressing Salon, Public House and late night convenience stores all of which are set immediately adjacent to residential properties,
 - The permanent status of the site will enhance the thriving village community.

9. APPLICANT'S SUPPORTING INFORMATION:

Supporting Statement

10. OFFICER APPRAISAL

Principle of Development

The National Planning Policy Framework stated that there should be a presumption in favour of sustainable development. Small scale business use is considered acceptable within a residential area, particularly within village settlements where sustainable economic development is possible. However, the proposal must meet the requirements of policies BE.1 (Amenity), BE.2 (Design Standards), and BE.3 (Access and Parking) of the Crewe and Nantwich Replacement Local Plan 2011.

Furthermore, as a temporary permission has previously been granted on the site the general principal of the development has already been accepted.

Amenity

The proposal seeks permission for the permanent change of use of part of a domestic garage building to be used as a dog grooming salon. Externally there will be no

changes to the building in its current state. The internal works have been carried out, and consist of two partition walls, a table, bath, cupboard and counter top associated with the business.

A temporary planning permission was granted on the 24th February 2011 for one year, expiring on the 29th February 2012, the temporary permission was granted by the Southern Planning Committee with the intention of having continued control over the site and allowing an appraisal of its impact to be considered in relation to the neighbouring properties. It has been highlighted in some of the objections received that the previous application was not implemented until late 2011/early 2012 and therefore the neighbours have not been able to address the impact the proposal would have on their amenity.

The proposal site is situated within a residential area which is predominantly an estate of bungalows. The existing garage is sited adjacent to the boundaries of No.59 Rope Lane, and No's. 34 and 35 Burlea Drive. The proposed alterations will be sited within the south west corner of the garage, and will be accessed from the existing door on the side elevation of the garage.

As acknowledged in the previous application, it is likely that the proposed use may have some impact on neighbouring amenity. The applicant is seeking to increase the intensity of the use by increasing the opening hours from 9am – 3pm Monday to Friday, to 9am – 6pm Monday to Friday and 9am – 1pm on Saturdays. The application is also seeking to increase the number of dogs permitted on the site at any one time from 2 to 4, given that some owners have more than one dog, and removing the specific limit of 4 dogs permitted per day. The increase in intensity will create a further full time job requirement and therefore the applicant seeks to permit a member of staff as well. As the proposed use is still for a fairly small scale development, and the keeping of dogs is typically something which is carried out in a residential area, it is not considered that the business would generate such a significant level of additional traffic or create noise levels that would have a detrimental impact upon neighbouring amenity. Furthermore, the sound proofing of the salon will further reduce the noise impact created by the grooming business.

Several concerns have been raised in relation to the proposal, having an impact on local residential amenity, and the perceived increase in noise which will occur from the proposed business use. However, the Environmental Health section considers that the proposal to be acceptable provided that several conditions are attached to an approval, similar to those imposed on the temporary permission. These conditions would restrict the hours of operation, require a noise attenuation scheme, limit the numbers of clients/dogs at any one time, and the dog grooming use would be allowed solely within the garage. It is agreed that the proposed conditions which have been requested by Environmental Health are acceptable and will help to achieve a scheme which will have an acceptable impact on residential amenity.

It is considered that with the restrictions proposed by the Environmental Health Section, and given the relatively small scale of the business, the proposed dog grooming salon will not have a significantly detrimental impact on neighbouring amenity, and is therefore considered to be in accordance with Policy BE.1 (Amenity).

Highway Safety

Within the objections received from local residents and from the Parish Council concerns have been raised relating to the possible highway safety implications which may arise from the proposed development. The issues raised largely relate to the possibility for clients parking on the road rather than within the residential curtilage of the property, and the impact this will have on Rope Lane, which is a fairly busy through road from Shavington, past the local High School through to Willaston and Crewe. It has also been noted that there have been two serious accidents in the area within the last few months.

The applicant has stated that the site can accommodate 4 parked cars, and therefore the proposed use should not result in an increase in on street parking. As the site will at most only have two clients on site at any one time, there should be sufficient space within the site to accommodate at least 3 cars at any one time, with the possibility of 4 spaces when the applicant's car is parked passed the gates on the driveway. However, the driveway to the front of the site has not yet been expanded. It will therefore be conditioned that this is implemented prior to the commencement of this permission.

The Highways Authority has raised no objections to the proposal, as they do not consider that the proposed development will have a severe impact on the surrounding highways infrastructure. The adjacent road has no parking restrictions on it and whilst it is acknowledged that the proposed business will increase vehicular movements to and from the dwellinghouse, this will not be such an increase as to cause a significantly negative impact on highway safety in this area.

Design Standards

The proposed development is for the change of use of an existing building, and there are to be no alterations to the external appearance of the building. The internal alterations within the building have already been carried out and therefore the development will not have a detrimental impact on the streetscene or the existing dwellinghouse. If the application is approved an informative will be added to the decision notice to highlight that the decision relates solely to the change of use and does not give permission for any external alterations proposed including advertisements.

Other Matters

Within the letters of support it has been stated that the Parish Council have made no objections to the proposal. The letter was received prior to the Parish Councils consultation being received by the Local Planning Authority, and therefore is now inaccurate as the Parish Council has raised several objections to the proposal.

Within several letters of objection the issue has been raised that there is a covenant (copies of which have been submitted with objections) attached to the deeds which restrict the use of the dwellinghouse and should not be used as part of a manufacturing trade or business. This is a legal imposition on the dwelling and not a planning

restriction. Legal covenants are not a material planning consideration and are dealt with under private and civil law. Therefore the imposition of this covenant has had no relevance to the recommendation proposed.

Within the letters of objections received several objectors raised concerns that the proposed development would have a negative impact on the value of their property. Property values are not a material planning consideration and therefore any perceived loss in value could not be considered as a reason for refusal for this planning application.

Within the letters of objection it has been raised that public consultation has not been carried out. The application consultation process was dealt with in line with the Council's Publicity and Neighbour Notification procedure. This procedure is derived from the General Development Procedure Order 1995 (as amended) and Circular 15/92 – Publicity for planning applications, which outlines the statutory procedures for any applications for development. In this instance the proposed development is considered a minor development and the procedure requires either, neighbours which adjoin the development site to be consulted by letter or a site notice to be erected adjacent to the development site where there are no identifiable adjacent neighbours to the site (usually within rural locations). Therefore in this instance the Council consulted the four adjoining neighbours No's 59 and 63 Rope Lane, and No.35 and 34 Burlea Drive, in line with the Neighbour Notification Procedure and the relevant statutory procedures noted above. In this instance it was not necessary or required for a site notice to be erected on the site or an advert to be placed in the local paper. Further consultations were also sent to neighbours who made objections to the previous application.

11. CONCLUSIONS

It is considered that the principle of the development is acceptable within the residential area and by means of several conditions noted below the development should not have a significantly detrimental impact on neighbouring amenity. However as the previous temporary permission was not implemented for a sufficient time for the true impact to be assessed it is considered that a further temporary permission for two years should be granted to allow further control and appraisal of the site and to allow a degree of permanence to the permission to allow the applicant to carry out the business to its full potential. It is therefore considered that the proposed development is acceptable and in accordance with the relevant policies of the local plan.

12. RECOMMENDATIONS

APPROVE subject to the following conditions:-

- 1. Temporary permission for a further 2 years until 1st May 2014**
- 2. Approved plans**
- 3. Hours of operations to be 9am – 6pm Monday – Friday and 9am – 1pm Saturdays**
- 4. Details of noise attenuation to be submitted**
- 5. Dog grooming to be restricted to detached garage only**
- 6. Number of dogs per working day restricted to 10**

- 7. No more than 4 dogs associated with the business on site at any one time**
- 8. Dogs shall be kept within the garage at all times other than when entering and egressing from the site**
- 9. Prior to the use being implemented, car parking provision for 4 cars must be in place**

INFORMATIVE

This application is solely for the approval of the change of use of part of the existing garage building and does not include any external alterations to the garage or advertisements relating to the business use. Any external alterations will require a separate planning application to the Local Planning authority.



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