

Planning Committee Report	
Planning Ref:	FUL/2017/0270
Site:	16 Naseby Close
Ward:	Binley and Willenhall
Applicant:	Miss N Bennett
Proposal:	Use of an existing shed/summerhouse for dog grooming business
Case Officer:	Shamim Chowdhury

SUMMARY

The application proposes to change the use of the summerhouse/garden shed for dog grooming business. The wooden shed/summer house is located in the rear garden of No. 16 Naseby Close. The business would operate on an appointment basis and not more than 5 appointments would be accommodated each day. Each appointment would be for a single dog without any multiple appointments at the same time. Hours of operation would be 08:30 to 17:00 on weekdays and 09:00 to 16:00 on Saturdays.

KEY FACTS

Reason for report to committee:	Representations from more than 5 properties
Current use of site:	A summerhouse/garden shed in the rear garden of a residential bungalow
Location	A residential Cul-de-Sac
Nature of business	Appointments only and one appointment at one single time
Hours of operation	8:30am – 5pm on Monday to Friday; 9am – 4pm on Saturday
Car Parking	No off-street parking provisions for visiting customers

RECOMMENDATION

Planning committee are recommended to grant planning permission subject to conditions

REASON FOR DECISION

- The proposal will not adversely impact upon highway safety
- The proposal will not adversely impact upon the amenity of neighbours
- The proposal accords with Policies OS4, OS6, E5, EM5 and AM22 of the Coventry Development Plan 2001, together with the aims of the NPPF.

BACKGROUND

APPLICATION PROPOSAL

The planning application seeks permission for change of use of a garden shed/summer house to operate a dog grooming business from a residential garden. The garden shed/summerhouse is already erected in the rear of the garden and is 2.3m (deep) X 2.8m (wide) with a pitched roof of ridge height 2.45m and eaves 2m above garden level and made of timber. The proposed dog grooming business would operate on appointments only and not more than 5 appointments would be available each day. Each appointment would be for one single dog at a single time. The hours of operation would be Monday to Friday 8:30am to 5:00pm and on Saturdays from 9:00am to 4:00pm. The applicant would run the business herself with no other additional staff.

SITE DESCRIPTION

The application site is a detached bungalow within a small residential Cul-de-Sac, Naseby Close. The area is wholly residential in character comprising various types and design houses and bungalows. The application bungalow fronts a triangular grass verge along the semi-circular bend of Naseby Close. As a result, the front garden of the application bungalow is triangular in shape with a narrow pedestrian access from Naseby Close and no vehicular drive at the front. However, the rear garden is fairly large and wide. There is a garage at the rear with access through a private shared path between No. 6 and No. 8 Naseby Close. The side and rear garden of the application bungalow is enclosed by 1.8m high close boarded timber fencing and surrounded by houses and bungalows on Naseby Close, Brixworth Close and Oxendon Way.

PLANNING HISTORY

None

POLICY

National Policy Guidance

National Planning Policy Framework (NPPF). The NPPF published in March 2012 sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that is relevant, proportionate and necessary to do so. The NPPF promotes sustainable development and good design is recognised as a key aspect of this.

The National Planning Practice Guidance (NPPG) 2014, this adds further context to the NPPF and it is intended that the two documents are read together.

Local Policy Guidance

The current local policy is provided within the Coventry Development Plan 2001 (CDP) relevant policy relating to this application is:

- OS4 – Creating a more sustainable city
- OS6 – Change of land use
- E5 – Office Development
- BE2 – Principle of Urban Design
- EM5 – Pollution Protection Strategy
- AM22 – Road Safety in New Developments

Emerging Policy Guidance

The Draft Local Plan 2016 to 2031 has been submitted to the Inspectorate, examination hearings are currently underway. Whilst the policies do not hold significant weight at this time, they will gain weight as the local plan continues through the process. Policies within the draft local plan that are relevant include:

Policy JE1 – Overall Economy and Employment Strategy

Policy DE1 – Ensuring High Quality Design

Policy AC3 – Demand Management

Supplementary Planning Guidance/ Documents (SPG/ SPD):

SPD Delivering a more sustainable city

CONSULTATION

No Objections received from:

Environmental Protection Officers (CCC)

Highways (CCC)

Immediate neighbours and local councillors have been notified; a site notice was posted on 2 March 2017.

9 letters of objection have been received, raising the following material planning considerations:

- a) Not appropriate in the residential area
- b) A business could increase the number of vehicles parked on the road as the property has no off road parking at the front
- c) Inadequate parking available in Naseby Close for this business
- d) Due to lack of parking spaces, people park on the small green and the proposal would exacerbate the situation
- e) Affect the soft landscaping/grass verge
- f) Refuse collection could be affected
- g) There are several elderly people living in this Close who need constant access to emergency vehicles and ring and ride services; these services could be affected
- h) The noise of multiple dogs barking and frequent picks ups/drop offs would be out of character and to the detriment of the area.

Within the letters received the following non material planning considerations were raised, these cannot be given due consideration in the planning process:

- i) Restrictive covenants in place to protect the residential houses and their curtilage from commercial use
- j) The Council has not done anything about cutting back the grass area to accommodate more parking
- k) If the proposal is approved by the Local Authority then the owners of the rest of the properties could apply to the Valuation Officer in Birmingham for a reduction in the Property Tax Banding due to the change of use. One of the residents indicates several residents may leave the street if it goes through.

Any further comments received will be reported within late representations.

APPRAISAL

It is considered that the main issues are whether the principle of using the rear garden of a residential dwellinghouse/garden shed to operate a dog grooming business is acceptable, the impact upon residential amenity and impact on highway safety.

Principle of development

The National Planning Policy Framework (NPPF) advises to facilitate flexible working practices such as the integration of residential and commercial uses within the same unit, but at the same time it encourages securing high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Policy E5 states that in order to reduce further reliance on a few large firms, the City Council will encourage the development of small and medium sized businesses and community enterprises. These include a wide range of initiatives including self-employment, co-operative development and homeworking. However, this Policy stresses to ensure that the creation of such employment opportunities takes into account environmental and amenity issues.

It is considered that working from home using existing facilities in an appropriate manner is acceptable. Section 1 of the *National Planning Policy Framework* states that planning should operate to encourage and not act as an impediment to sustainable economic growth and that flexible working practices such as the integration of residential and commercial uses should be facilitated. Therefore, it is considered that certain low-key commercial uses within an existing dwelling can be acceptable and in line with the NPPF suggestion.

On this basis it is considered that the proposed dog grooming business in the garden shed of a residential dwellinghouse would be acceptable in principle as long as it complies with other relevant plan policies to ensure that residential amenities would not be affected adversely nor endanger highway safety.

Impact on neighbouring amenity

Policy BE2 seeks a high quality urban design and encourages guidance in the form of SPG. Policy OS6 'Change of Land Use' states that developments should be compatible with nearby uses.

The garden shed has already been erected and does not need planning permission as it falls under permitted development allowances. The rear garden of the application bungalow is fairly large and enclosed by 1.8m high close boarded timber fencing. The surrounding properties have detached garages and outbuildings in the rear gardens. No external alterations are proposed to the building. It is considered that running a low key commercial activity from a small scale, lightweight timber structure in the rear garden would not affect the character of the residential area significantly.

Policy EM5 'Pollution Protection Strategy' indicates proposals which could result in the pollution of water, air or ground or pollution through noise, dust, vibration, smell, light, heat or radiation will only be permitted if the health, safety and amenity of the users of the land and neighbouring land, and also, the quality and enjoyment of the environment are assured.

The application documentation confirms that the proposed dog grooming business would operate on appointment basis only and not more than 5 appointments will be available in one day without any multiple appointments at the same time. It is considered that number of arrivals and departures proposed would be unlikely to lead to unacceptable noise from people or dogs, whilst arriving and departing, either outside the property on Naseby Close or in the back garden. Given the limited number of appointments during the day time only, the number of additional traffic and pedestrian movements would be unlikely to give rise to undue noise and disturbance to neighbours. City Council's Environmental Protection Officers raised no objection to the proposal. Conditions are proposed to control hours of operation and maximum number of appointments per day.

Highway considerations

Policy AM22 requires that safe and appropriate access to the highway system together with satisfactory on site arrangements for vehicle manoeuvring so as to ensure safety for all users. The supporting text makes clear that consideration must also be given to the impact of access and manoeuvring arrangements on neighbouring users and the amenity of residents. The NPPF suggests that the development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

In terms of parking/highway safety the application site is on a residential street with no parking restriction on Naseby Close and nearby residential streets. One customer could park his/her car outside the property using on-street parking provision like any other visitors would park their car on this Close. Given the low frequency of customers visiting the property and no additional members of staff being employed to run the business (apart from the applicant), it is highly unlikely to give rise to highway safety issues. The Highway Engineer has raised no objection to the proposal on parking or highway safety grounds. The bungalow benefits from a rear garage accessible via a rear shared access from Naseby Close between No. 6 and No. 8. It is considered a condition would be reasonable to ensure no customer uses the rear access. This is to protect neighbouring occupiers and their rear amenity/private shared drive from noise, disturbance or obstruction by the customer vehicles.

Other considerations

The garden shed which is to be used for such business is a small timber structure in the rear garden and set away from the neighbouring houses. Given the size of the rear garden of the application and neighbouring bungalows, the comparable size of the garden shed with other garages/sheds in the nearby gardens, it is considered that the use of the garden shed for a controlled dog grooming business would have limited impact on the character and appearance of the area. The proposed business could be comparable to general households who might have more than one dog. Given the proposed business venture is very low key, it is not considered that the character and quality of this residential area would be affected significantly to justify the refusal of this application.

The residents are concerned that the refuse and emergency vehicles might not be able to enter the Close due to this proposed business. It is acknowledged that some of the residents rely on on-street parking; however, it is not anticipated that the proposed, controlled, and low key dog grooming business would intensify the activities in such a

manner that the existing situation would be exacerbated in terms of parking and manoeuvring. It is considered that the proposal would not result in significant impact in terms of highway safety and parking provision.

The soft landscaped area (the triangular grass verge along the semi-circular bend of Naseby Close) is part of the adopted highway and not part of the application site.

Conclusion

Overall, operating the dog grooming business from a garden shed of a residential bungalow would be a relatively low key commercial activity which, subject to safeguards regarding the frequency of operation and use of the rear shared drive, would be acceptable in principle and would not harm the living conditions of neighbours, with regard to noise and disturbance. It is considered that there would be no conflict with Policy OS6 of the Coventry Development Plan 2001, which requires developments to be compatible with nearby uses, or with the plan's Policy EM5, which seeks to avoid harm from various forms of pollution, including noise. It is also considered that there would be no conflict with the NPPF's core planning principle, set out in paragraph 17, to seek a good standard of amenity for the occupants of land and buildings.

CONDITIONS/REASONS

1. The development hereby permitted shall begin no later than three years from the date of this permission.

Reason: *To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).*

2. The development hereby permitted shall be carried out in accordance with the following approved documents: Site plan; Location plan; Site photos; Floor plan; Letter dated 13.02.17; Email from applicant dated 27.03.17.

Reason: *For the avoidance of doubt and in the interests of proper planning.*

3. Dog grooming business shall only operate between 08:30 - 17:00 on weekdays and 09:00 - 16:00 on Saturdays and shall not operate at any time on a Sunday.

Reason: *The business activity is closely adjoined by residential properties and the City Council considers it necessary to strictly control the nature and intensity of use of the building in the interests of the amenities of the area in accordance with Policies BE2 & EM5 of the Coventry Development Plan 2001.*

4. The proposed dog grooming business shall operate on prior appointment basis only and no more than 5 appointments shall be made for any one day.

Reason: *The business activity is closely adjoined by residential properties and the City Council considers it necessary to strictly control the nature and intensity of use of the building in the interests of the amenities of the area in accordance with Policies BE2 & EM5 of the Coventry Development Plan 2001.*

5. No customers/visitors and their motor vehicles using the dog grooming business shall use the rear private shared access at any time.

Reason: *To ensure that the garden shed/dog grooming business is not used in a manner prejudicial to or likely to cause nuisance to occupiers of nearby properties in accordance with Policies BE2 and EM5 of the Coventry Development Plan 2001.*

[Location Plan](#)

[Site Plan](#)

[Photo](#)

[Floor Plan2](#)