

**Item Number:** 12  
**Application No:** 19/00340/FUL  
**Parish:** Norton Town Council  
**Appn. Type:** Full Application  
**Applicant:** Tilly's Tail Dog Grooming (Mrs Catherine Simkins)  
**Proposal:** Erection of detached building for use as dog grooming parlour  
**Location:** 22 Camellia Close Norton Malton North Yorkshire YO17 8FE

**Registration Date:** 25 March 2019  
**8/13 Wk Expiry Date:** 20 May 2019  
**Overall Expiry Date:** 19 April 2019  
**Case Officer:** Alan Goforth **Ext:** Ext 43332

#### CONSULTATIONS:

<b>Norton Town Council</b>	Recommend refusal- inappropriate development of a business in a residential area
<b>Highways North Yorkshire</b>	Recommend condition
<b>Environmental Health Officer</b>	Recommend condition

**Neighbour responses:** Mr Simon Kirk, Robert Brittain, Jakub Kordik,

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#### SITE:

The application site relates to a 3 bedroom, two storey property and associated rear garden and parking area. The property forms part of a terrace of four dwellings (numbers 21-24) located on Camellia Close (cul de sac). The site is located within a residential area on the north eastern side of Norton, within the town development limits.

The proposed building would be sited in the rear garden of the property which amounts to approximately 35m<sup>2</sup> and which is enclosed by 2 metre high timber fencing. A shared walkway to the north provides access to the rear gardens of numbers 22 and 23 Camellia Close from the shared parking area to the west. The site is adjacent to the rear gardens of numbers 21 and 22 Camellia Close and numbers 2a and 2b Juniper Drive.

#### HISTORY:

13/00006/MFUL- Erection of 1 no. four bed dwelling, 10 no. three bed dwellings, 7 no. two bed dwellings and 4 no. one bed dwellings on plots 87 and 88, 98-107, 114-118 and additional plots 191-197 to replace existing approved layout for these plots under 09/00829/MFUL dated 05.01.2011. APPROVED 03.12.2013.

#### PROPOSAL:

Planning permission is sought for the erection of a detached building for use as a dog grooming parlour.

The proposed dog grooming parlour would be located in the rear garden of the property and would replace an existing timber shed. The dog grooming involves hygiene care and cleaning comprising washing/drying, brushing/combing, cutting and clipping.

The building would measure 2.4 metres by 3 metres and would stand 2.4 metres in height with a flat roof. The front, south elevation would be double glazed with a double door entrance facing into the lawn. There would be no openings in the side or rear walls. The proposed building is a purpose built pre-fabricated pet grooming room that incorporates insulated panel sound proofing and external GRP

cladding to the walls.

The applicant has confirmed that the business would operate with the following restrictions:-

- A maximum of 4 customers per day
- A maximum of 2 dogs per customer
- A maximum of 8 appointments per day
- To only operate with a prior appointment system (no ad hoc customers)
- Appointments to be made only between the hours of 09:00-16:30 Monday to Friday

In terms of parking there is the dedicated parking space for the property within the courtyard to the west and also a visitor parking space to the front although the applicant has confirmed that she will encourage drop off and collection by dog owners.

The building incorporates a “wash” tank that can be drained to a soakaway or external drain. The applicant states that waste water will be disposed of via the same main drainage system as the house.

### **POLICIES:**

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 planning authorities are required to determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise. The Development Plan for the determination of this particular application comprises the following:

- The Ryedale Plan- Local Plan Strategy (2013)

#### The Ryedale Plan - Local Plan Strategy (2013)

Local Plan Strategy -Policy SP1 General Location of Development and Settlement Hierarchy

Local Plan Strategy - Policy SP16 Design

Local Plan Strategy - Policy SP19 Presumption in Favour of Sustainable Development

Local Plan Strategy - Policy SP20 Generic Development Management Issues

#### Material Considerations

Revised National Planning Policy Framework 2019 (NPPF)

National Planning Practice Guidance 2014 (PPG)

### **REPRESENTATIONS:**

The application is subject to three letters of objection from the occupants of number 24 Camellia Close and numbers 2a and 2b Juniper Drive. The objections from neighbours relate to noise disturbance, traffic, parking/road safety for users of the cul de sac and odour.

### **APPRAISAL:**

The main considerations in the determination of this application are:

- i) Principle of development;
- ii) Highways impact; and
- iii) Impact on residential amenity.

#### Principle of development

It is relevant to note that a building in the proposed location within the curtilage of the dwellinghouse and of the same dimensions and used for purposes “incidental to the enjoyment of a dwellinghouse” would be ‘permitted development’ by virtue of Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

However, the proposed use of the building for a home business represents a material change of use which, together with the existing dwelling (Use Class C3), would create a mixed use planning unit (residential and business).

The site is located within the town development limits where the principle of a small scale business operation within the curtilage of a dwelling would be acceptable, subject to all other planning matters being addressed.

### Highways impact

Policy SP20 (Generic Development Management Issues) of the Ryedale Local Plan Strategy (2013) requires that access to and movement within the site by vehicles, cycles and pedestrians should not have a detrimental impact on road safety, traffic movement or the safety of pedestrians and cyclists.

The proposed use of the building for business purposes would involve customers visiting the property with their dog(s). The objections raised by neighbours include concerns in relation to additional vehicle movements within the cul de sac and highway safety.

The property has a single dedicated parking space within a private parking courtyard to the west which also serves several other dwellings. To the front of the property, un-allocated visitor parking in the form of a lay-by is present, which will form part of the public highway once adoption of the road takes place.

The Local Highway Authority (LHA) acknowledges that whilst use of the dedicated parking space for the business is being offered, this may displace the owner's vehicle which would have to park elsewhere. However, this would be no different to using the visitor space for customers in the first place. In addition it has been confirmed that during the operating hours (09:00-16:30 Monday to Friday) the applicant's car will be off site.

The LHA states that given that the number of visits and hours of operation are to be restricted, and subject to any consent being granted on a temporary basis there are no LHA objections to the proposed development. The LHA state that the Local Planning Authority may wish to condition the dedicated space for customer parking during the hours of operation of the business.

The business would operate with a prior appointment booking system limited to a maximum of four customers per day which would ensure that there are no ad hoc comings and goings associated with the business. The applicant would encourage customers to only drop off and collect, staying a maximum of 5 or 10 minutes and the prior appointment booking system should ensure that there would be only one customer at any one time. These arrangements should ensure that customer visits have a negligible impact on on-street parking and the proposed parking provision would be adequate.

In terms of vehicles type and size customer traffic associated with the business would be indiscernible from the existing residents and visitors vehicles using the cul de sac. Given the nature and scale of the proposed business, the associated increase in vehicle movements would be limited and are not considered to give rise to a materially detrimental impact on users of the existing cul de sac and roads and footways in the locality. It is considered that the traffic generated by the business would not have any significant impact upon highway safety or parking provision and complies with the requirements of Policy SP20.

### Impact on residential amenity

The dwelling forms part of a row of terraced properties within the cul de sac. The surrounding area is characterised by relatively dense residential development. The proposed building in which the dog grooming would take place would be situated within the rear garden on the northern side of the existing dwelling. There are residential receptors immediately to the north, east and west of the application site and the rear gardens of numbers 21-23 Camellia Close stand back-to-back with the rear gardens of numbers 2a and 2b Juniper Drive to the north. The rear garden of number 22 Camellia Close, where the proposed building would be situated, is enclosed by a 2 metre high fence comprising horizontal,

overlapping timber panels.

As required by Policy SP20 development should respect the character of the area without having a material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings or the wider community. Impacts on amenity can include, for example, noise, dust, odour, light flicker, loss of privacy or natural daylight or an overbearing presence.

Policy SP20 requires that the proposed development would need to be compatible with the existing ambience of the immediate locality and the surrounding area and with neighbouring land uses.

The Town Council recommends refusal of the application on the basis that they consider it inappropriate development of a business in a residential area. Furthermore, the objections from neighbours raise concerns in relation to noise disturbance and odour.

The Town Council has been made aware of the operational restrictions, to be secured by condition, and also the recommendations from the LHA and EHO for a temporary time limit restriction on any permission granted. In response the Town Council have reiterated their position that this is still inappropriate development in a residential area and therefore the original recommendation for refusal still remains.

The building would be accessed via the shared walkway that runs to the rear of numbers 21 and 22 Camellia Close and numbers 2a and 2b Juniper Drive. There is a concern that the use of the footway by customers dropping off and collecting dogs would antagonise the dogs that live in the surrounding properties and result in noise disturbance from dogs barking.

In considering the impact on residential amenity it is relevant to note that the hours of use of the facility would be limited to 'standard working hours' and there would be a maximum of 8 dogs/appointments per day. The hours of operation should ensure that the business has no adverse amenity or traffic related impacts on weekends, early mornings or evenings. A planning condition would restrict the booking of appointments to between the hours of 09:00-16:30 Monday to Friday with no use of the facility beyond 17:30 hours. This would provide a reasonable degree of flexibility for any instances of a customer being late or appointments overrunning.

The proposed system of pre-booking a time slot should control the intensity of the use of the site across the day and ensure that there are no unacceptable, cumulative levels of disturbance or nuisance arising from dogs or traffic. If permission is granted a planning condition shall also require the operator of the business to maintain an up-to-date register/diary of appointments which shall be made available for inspection to an officer of the Local Planning Authority upon request.

The aforementioned restrictions should limit the operation of the business to a relatively domestic scale that would not involve large numbers of dogs at the premises at any one time or the introduction of a significant level of additional traffic using the cul de sac.

The proposed business is a relatively small, single person venture which will cater for one dog at a time with a maximum of two dogs per customer. All grooming related treatments would take place within the building and no special equipment is required, including any ventilation or machinery.

The Environmental Health Officer is satisfied subject to the business operating with a prior appointment system with restrictions to limit the number of customers/dogs/appointments by condition along with restrictions on the hours of use. The EHO also considers it prudent to limit any permission granted to a temporary three period to act as a 'trial run' to assess the effect of the development on the area over that period of time.

The dog cleaning products and shampoos contain non-toxic natural ingredients. In relation to the disposal of waste water the building would incorporate a wash tank that can hold up to 30 litres which can be disposed of via the main house foul water drainage system. Disposal of dog hair/nail clippings will be via household waste. The dog waste would be contained within the premises with no significant issues expected in terms odour and disposal of dog faeces would be a matter for the operator/customers.

It is considered that the nature and scale of the business would not give rise to any concerns in relation to pollution or waste management.

It is not anticipated that the business use would have any significant detrimental impact on the amenities of neighbours in terms of overbearing, overshadowing or overlooking/loss of privacy impacts.

Overall, subject to the business operating under an initial time limited permission, it is not anticipated that this proposed use would give rise to any unacceptable visual intrusion, loss of privacy, pollution or disturbance in compliance with the relevant parts of policies SP16 and SP20.

#### Temporary permission

As stated above the Local Highway Authority and the Environmental Health Officer have no objections subject to the inclusion of conditions which, inter alia, limits any grant of planning permission to a temporary period.

National planning practice guidance (PPG) advises that a temporary permission will normally only be appropriate either where the applicant proposes temporary development, or when a trial run is needed in order to assess the effect of the development on the area.

The objections, concerns and comments from neighbours and consultees are noted and conditions would be imposed upon any permission granted to control and mitigate any adverse effects of the development. Notwithstanding the formal planning controls it is the day-to-day management and operation of the business by the applicant/operator in the interests of good neighbourliness that is central to mitigating the potential adverse impacts of the use on occupants of adjacent land and buildings.

In this regard, it is considered that a permanent grant of permission at this stage would potentially curtail the Authority's powers should there be any future complaints relating to amenity or traffic related issues arising from the operation of the business. Given the nature and density of development in the area immediate to the application site it is considered that the home business use may be potentially detrimental to existing residential uses nearby, but there is insufficient evidence to enable the Authority to be sure of its character or effect, in light of this it is considered appropriate to grant a temporary permission in order to give the development a 'trial run'.

A three year trial period is considered to be sufficiently long for it to be clear by the end of the temporary permission whether permanent permission should be granted or refused.

#### Other matters

A letter of objection from a neighbour has raised concerns that the proposed business use would detrimentally effect property prices in the locality. However, the impact on the value of property does not comprise a material planning consideration and thus cannot be taken in to consideration within the decision making process.

In addition a concern has been raised that permitting this proposed business would set a precedent that would allow other businesses to operate from home in a residential area. Whilst the Local Planning Authority is entitled to consider any cumulative effects the possibility of precedent is not a valid reason, in itself, for refusal. The planning decision is reached on the merits of the application lodged with the LPA and is made without prejudice to the formal consideration of any future planning applications.

If permission is granted the planning unit comprising the dwelling and associated outdoor areas including the proposed building would have a mixed use (sui generis) and any future alternative use of the building that is deemed materially different would require a further grant of planning permission.

#### Conclusion

The recommendation of the Town Council and the concerns raised by neighbours have been noted, however, in the absence of objections from the Local Highways Authority and the Environmental Health Officer, it is not considered reasonable to refuse the application on matters of residential amenity or highway safety.

The proposed business use in this residential area has the potential to give rise to materially harmful impacts on residential amenity and highway safety. Taking account of the above considerations, the site specific circumstances and the consultation responses from the LHA and EHO it is considered reasonable and appropriate to limit any grant of planning permission to a temporary period.

If Members resolve to grant a time limited permission for the proposal it would give the applicant the opportunity to demonstrate that the home business can be operated from the premises without harm to the residential amenity of neighbouring properties or highway safety.

In light of the above assessment, it is considered, on balance, that subject to an initial three year trial period, the proposal is acceptable and complies with policies SP1, SP16, SP19 and SP20 of the adopted Ryedale Plan - Local Plan Strategy and the revised National Planning Policy Framework.

**RECOMMENDATION:                      Approval**

- 1            The use of the building hereby permitted as a dog grooming parlour shall be discontinued at or before (three years from the date of the decision notice), unless an extension of the period shall first have been approved in writing by the Local Planning Authority.

Reason:- To enable the Local Planning Authority to assess the impact of the use upon residential amenity.

- 2            The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan, undated.  
Elevations 1:50, undated.

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

- 3            The facility shall only be operated with a prior appointment time slot system (no ad hoc customers) with a maximum of 4 customers per day and maximum of 2 dogs per customer.

Reason: To ensure that the amenities of nearby residents are not unreasonably affected.

- 4            The appointments shall only be booked between the hours of 09:00-16:30 Monday to Friday with no use of the facility beyond 17:30 hours. The owner/operator shall maintain an up-to-date register/diary of appointments which shall be made available for inspection to an officer of the Local Planning Authority on request.

Reason: To ensure that the amenities of nearby residents are not unreasonably affected.

- 5            During the hours of 09:00-16:30 Monday to Friday the operator shall ensure that a parking/drop off/collection space is kept available for customers.

Reason: To ensure the space is kept available for their intended use in the interests of highway safety and the general amenity of the development.