

Item Number: 11
Application No: 19/00942/FUL
Parish: Sherburn Parish Council
Appn. Type: Full Application
Applicant: Mr & Mrs Braddock
Proposal: Erection of single storey side extension to form dog grooming parlour
Location: 6 Eastbeck Close Sherburn Malton YO17 8PU

Registration Date: 12 August 2019
8/13 Wk Expiry Date: 7 October 2019
Overall Expiry Date: 7 September 2019
Case Officer: Niamh Bonner **Ext:** 43325

CONSULTATIONS:

Environmental Health Officer	Recommend condition
Public Rights Of Way	No response received
Sherburn Parish Council	Objection
Highways North Yorkshire	No objection

Neighbour responses: Mrs Brenda Simpson, Mr Alan Bridges, Colin Glenn, Mr Christopher Golding, Mr Peter Thompson, Mr Graham Lee, Mr J. Fox, Keith And Jean Usher,

SITE:

6 Eastbeck Close is a four bedroom, two storey property situated within the cul-de-sac of Eastbeck Close, a residential area to the east of St Hildas Street. This site falls within the Sherburn development limits and the village is identified as a service within the Ryedale Plan, Local Plan Strategy.

The application site shares access over East Beck via a small bridge with no. 8 Eastbeck and incorporates a generous gravelled parking area to the front of the property. Sherburn Surgery is located at the corner of Eastbeck and St Hildas Street, with vehicular access taken from Eastbeck. A public right of way runs to the south and east of the site.

HISTORY:

There is no planning history considered relevant to this proposal.

PROPOSAL:

Planning permission is sought for the erection of a single story side extension to the western boundary of the dwelling for use as a dog grooming parlour.

The extension would project to the side of an existing single storey store and garage, incorporating a projection of 3.3 metres from and approximately 6.75 metres along the western elevation of the dwelling. This would continue the roof proportions of the existing garage store to create a flush appearance, with a ridge height of approximately 5.1 metres and an eaves height of approximately 3 metres. This would incorporate a glazed access door along the principle elevation, a door along the rear elevation and two rooflights within the rear roof slope. The side elevation would be blank. The extension would be built in materials that would match the main dwelling, natural stone and pantiles. The Supporting Statement confirms that the extension would be completed with integral insulation.

The dog grooming involves wet and dry grooming areas (including a dog bath and drying/trimming

equipment) associated paraphernalia/products and a waiting/holding area.

Members are advised that the Supporting Statement is available to view in full on the Planning File, but this notes:

“The business will be run by myself on a small scale serving a small number of clients from the surrounding areas. It will be fun as a full time home business to determine the viability for the business to be based at home.”

Within this statement, the applicant has also confirmed the following:

- They business would offer a drop off/pick up service, with on-site parking available on their driveway should clients wish to bring their dog.
- There would be one client at a time, as they would only groom one dog at a time.
- Any dogs brought to the house will be kept on leads at all times.
- Any dog fouling will be disposed of.
- There will be no more than one client’s dog on site at any one time to prevent barking.
- Customer’s dogs will not be kept overnight, nor will any boarding occur.
- There will be a break between collection/drop off of dogs to allow time for the cleaning of the grooming area between customers, preventing congestion caused by cross over of arrivals/pickups.
- Proposed opening hours of 9.00 to 5.00 Monday to Friday and 9.00am – 13:00pm on Saturdays only, with the applicant proposing to work 4/5 days a week within these hours.
- Deliveries will be infrequent and no more than average household deliveries.
- There will be no employees.
- There will be no advertising.
- The proposed bath would be eco-friendly, using an estimated 10 litres per day to be fed into the existing foul waste system.

POLICIES:

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

Revised National Planning Policy Framework 2019 (NPPF)

National Planning Practice Guidance 2014 (PPG)

REPRESENTATIONS:

This section includes a number of summarised representations. Members are advised that all representations are available to view in full on the planning register of documents.

A letter of support has been received from the occupiers of 8 Eastbeck Close, directly adjoining the site to the north east. This notes the following summarised points:

- Our property is immediately adjacent and shared access to our respective driveways via a small bridge over East Beck.
- The applicants have discussed their plans and we are fully supportive.
- Appreciate the use of matching materials and measures outlined within the supporting statement to mitigate impacts on other residents and the environment.
A response confirming comments in support of the application has been received from the occupier of Overbeck Cottage (8 St Hildas Crescent) directly adjoining the site to the west. This makes the following summarised points:
 - Save the following points, we have no objection to the proposed development.
 - The comments identified a cherry tree in close proximity to the boundary, raising concerns this was in reality, larger than drawn. It was also noted that previous advice had been received from a tree surgeon employed by the occupier of Overbeck Cottage that confirmed this was in

poor health and that an extension in this position could impact its health and integrity. This would cause concerns as it could result in a tree with a potentially damaged root system in close proximity to their property. They would like to see this removed, rather than crown lifting as indicated on the proposed plans.

- Concerns about the repositioning of a dog cage, currently in the position of where the extension would be located could be relocated to the west of the extension once complete, in closer position to the shared boundary. They would like to ensure this could not be the case as part of this permission.

Letters of objection were received from the occupiers of 1, 2, 3, 4, 5 and 7 Eastbeck Close.

The following summarised points were contained within the representations

Principle

- Eastbeck close is a small cul-de-sac residential area of mainly retired people within the centre of a busy village and should remain so. The 9 homes were originally constructed as a private residential area. This doesn't lend itself to development for commercial purposes and there is currently no commercial activity undertaken in the close.
- The close is too small to accommodate any commercial premises
- There is already sufficient provision of dog grooming businesses in the vicinity, including on St Hildas St. 14 other similar businesses were found online in a 12 mile radius.
- There are other dedicated business/commercial premises available.
- Could set a precedent for further commercial premises

Access and Highway Safety

- Concerns around increased traffic volume visiting the proposed premises at the end of the cul-de-sac as a result of the proposed business.
- Traffic has already substantially increased since the development of the Surgery. Users often park on the road and pavement whilst attending the surgery, often remaining in situ for the full working day and occasionally making access and egress difficult. Additional traffic at the end of the cul-de-sac could impact further on these issues.
- An existing layby installed as parking provision for the close has been significantly reduced in size to facilitate an exit for the surgery car park.
- The small humpbacked bridge would limit access to the property and it causes problems to the applicant as it is challenging to low vehicles, the turning circle is utilised as alternative parking for low vehicles. Dog owners would also need to park in the turning circle.
- The turning circle is a magnet for vehicles attending the doctor's surgery.
- Imperative off road parking is provided by the applicant.

Amenity

- Potential early morning delivery of dogs, with potential post work collection? Unsure of numbers of dogs.
- Noise; dogs can be a nuisance
- To be a viable business, occasional overnight accommodation could involve a full blown kennels.
- Dog owners may be less sensitive to dog fouling issues.
- This could increase the potential for dog fouling in the close, which is already a problem in the village.
- As a dog owner, I take my dog to a groomer on an industrial estate and exercise him before and after collection. How many owners are going to do the same. It only needs on to let their dog foul on the close and it will become as bad as the rest of the village.

Other

- This dwelling has an archaeological history, built with an extensive steel/concrete slab to protect an ancient roundhouse.

The Parish Council made the following representation:

“A number of residents attended our last Parish Council meeting and explained their objections, which ranged from concerns over the increase in vehicle numbers to worries over dog mess outside their properties. All of these residents have sent their objections to Ryedale Council directly aswell. Sherburn Parish Council have reviewed these letters and the information provided at the Parish Council meeting and wish it to be known that we support these objections.

The property in question is located at the end of a small residential cul-de-sac in the village, where road space is already limited without additional vehicles without causing obstructions to those who live there.”

APPRAISAL:

The main considerations in the determination of this application are:

- i. Principle of development;
- ii. Character and form
- iii. Impact on residential amenity.
- iv. Access and Highways Safety
- v. Other Issues, including Consultation Responses.

- i. Principle of development

The proposed development relates to the extension of a domestic dwelling for the specific use as a dog grooming business. 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 village 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, including specific controls on the hours of use. Home businesses or microbusinesses sited in appropriate locations with appropriate controls can positively contribute to a sustainable and diverse local economy.

The numbers of other similar businesses in the locality is not considered to be a material planning consideration in the determination of this current proposal.

- ii. Character and Form

It is considered that the proposed modest single storey extension is acceptable in term of form and character. It relates well to the host dwelling. It is considered that the dwelling has the capacity to effectively absorb this addition and that this would appear domestic in form and design. Furthermore, the use of matching materials would ensure this was not read as an incongruous addition within the streetscene.

A condition requiring the use of matching materials would be attached to any approval.

- ii. Impact on residential amenity.

Policy SP20 (Generic Development Management Issues) of the Ryedale Plan, Local Plan Strategy notes that *“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 also 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 issues raised within the letters of representation noted above are acknowledged. As noted, the detached dwelling is located within the cul-de-sac of Eastbeck Close, within the development limits of the service village of Sherburn. The proposed extension would adjoining the existing residential dwelling and would be completed of stone and pantile construction with internal insulation. It is considered that the proposed floor space is particularly modest and would extend to approximately 24.2 square metres.

The application site is surrounded by adjoining residential properties to the north west, west, south west and east.

The Council's Environmental Health Team have been consulted in relation to this proposal. The Environmental Health Officer made the following comments following review of the proposal:

"With regard to the above application, so as to protect the amenity of the neighbouring residents, I would recommend the following restrictions:

- *The establishment may operate between the following hours: 09:00-17:00 Monday to Friday and 09:00-13:00 on Saturdays.*
- *To only operate with a prior appointment system (no ad-hoc customers).*
- *A maximum of 8 appointments per day.*

You may wish to provide an informative that the burning of trade waste in a stove is an inappropriate method of disposal and, indeed, the smokeless properties of any appliance is based upon the fuel burnt. Therefore; a suitable trade waste contract should be sought."

Therefore in considering the potential 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 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 09:00-17:00 Monday to Friday and 09:00-13:00 on Saturday.

The proposed system of pre-booking a time slot would 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. When dogs enter or exit the building they will be fully supervised, this will also be the case when inside the parlour. The applicant has confirmed the site would not be used for any overnight stays and would be restricted to the opening hours previously identified. It is furthermore considered that the nature of the solid construction would be likely to aid in limiting potential noise from the extension when in use and that the limited floor space would be itself limiting in terms of further potential growth of the business.

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. A further condition would also be attached to ensure that the proposed business would be 'tied' to the occupier of no. 6 Eastbeck Close, to prevent any harm to amenity, that could potentially otherwise be experienced if it were run as a separately occupier business. 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. As noted, this would be a single person operation.

The Environmental Health Officer is satisfied subject to the business operating with a prior appointment system with restrictions to limit the number of customers /appointments by condition along with restrictions on the hours of use. They also confirmed that in their opinion a temporary permission was not considered necessary in this case.

The proposed water use has been identified above and will be disposed of via the main house foul water drainage system. Disposal of dog hair/nail clippings will be via a trade waste collection, as the other identified alternative of burning is not considered acceptable by the Environmental Health Officer.

The dog waste could be contained within the premises with no significant issues expected in terms of 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. Issues surrounding potential increased dog waste within the cul-de-sac would be dependent on responsible dog ownership, which is a matter for the individual dog owner.

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.

iv. Access and Highways Safety

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 representations received in relation to concerns about additional and intensified vehicle movements and available off street parking summarised above are noted.

It is noted that North Yorkshire County Council have confirmed no objection to the proposal in terms of access and highway safety. The application site benefits from a large off street parking area, where numerous cars could be contained. A condition is recommended to ensure that the off street parking space is kept available during the hours of operation of the business.

The proposed use of the building for business purposes would involve customers visiting the property with their dog or the dog being collected by the applicant and brought on site. There would be a limited number of appointments per day, within normal working hours, through a prearranged appointment system to limit ad hoc visits. It is therefore not considered that this would result in unduly harmful impacts as a result of enhanced vehicle movements, as suitable off street parking would be available. It is also considered that these additional vehicle movements would not result in harm to residential amenity.

Comments have raised the humpback bridge over Eastbeck as an issue which may prevent on site parking. During a site visit, this was considered to appear relatively modest in height and has not impacted the occupiers of 6 or 8 Eastbeck from parking within the curtilage of the site. There is a dropped kerb to access the site and this was not considered as an issue by the North Yorkshire Highways Officer.

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 harmful impact residents within the cul de sac and roads or 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 of the Ryedale Plan, Local Plan Strategy.

v. Other matters including Consultation Responses

A letter of objection from a neighbour has raised concerns that the dwelling was constructed above a steel/concrete slab, installed to protect an ancient roundhouse. The location of the extension is currently treated with hardstanding and is not highlighted as a designated Area of Archaeological Interest, where North Yorkshire Archaeology would expect to be consulted. This also relates to a particularly modest footprint, so consideration is also given to what similar extensions could be achieved under householder permitted development rights.

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. Each planning application is however required to be considered on its own merits, without and without prejudice to the formal

consideration of potential future planning applications.

In relation to the Cherry tree in close proximity to the proposed extension, raised as a safety concern by the occupier of Overbeck Cottage, the Planning Agent confirmed the following in an email dated 27th September 2019: *“Following our telephone conversation earlier today, I can confirm that i have spoken to my client, Melanie Braddock this evening regarding the neighbour's comments about the cherry tree which is in her garden close to the proposed extension and she has confirmed that she is happy for the cherry tree to be removed and a new tree planted in a similar location.”* A condition will therefore be included to require the removal of this tree, prior to the commencement of above ground construction works. A specific landscaping condition is not considered necessary for replanting, as this is a verdant section of rear garden.

An informative is recommended in relation to the public rights of way.

The proposed repositioning of the applicant’s personal dog cage would not be material in the determination of this application.

Conclusion

The responses received from the Parish Council and occupiers of neighbouring properties are noted and have been considered in the determination of this proposal.

The proposal is considered to be acceptable in principle and also has been considered acceptable by the North Yorkshire Highways Officer and Ryedale District Council’s Environmental Health Officer, subject to the recommended conditions. It is therefore it is not considered reasonable to refuse the application on matters of residential amenity or highway safety. The proposal is furthermore considered acceptable in terms of form and design and would not have an adverse effect on the streetscene.

In light of the above assessment, it is considered that subject to the recommended conditions 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 development hereby permitted shall be begun on or before .

Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004

2 The development hereby permitted shall be carried out in accordance with the following approved plan(s):

Site Location Plan
Proposed Plans and Elevations (Drawing no. 1756/2)

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

3 Unless otherwise agreed in writing with the Local Planning Authority, all construction materials to be used in the development hereby permitted shall accord with that used in the construction of the host dwelling.

Reason: In the interests of good design and in compliance with Policies SP16 and SP20 of the Ryedale Plan- Local Plan Strategy and the NPPF

4 The following restrictions shall apply:

i. The use hereby permitted shall not take place at any other time except between the hours of 09:00-17:00 Monday to Friday and 09:00-13:00 on Saturdays.

- ii. The use hereby permitted shall only operate with a prior appointment system (no ad-hoc customers).
- iii. The use hereby permitted shall only operate with a maximum of 8 appointments per day.
- iv. 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 and to satisfy the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 5 The dog grooming parlour hereby approved shall remain in the same ownership as the property currently known as 6 Eastbeck Close.

Reason: In the interests of the amenity of existing and future occupiers and to satisfy the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 6 During the hours of operation (09:00-17:00 Monday to Friday and 09:00-13:00 on Saturdays) the operator shall ensure that a parking/drop off/collection space is kept available for customers within the site curtilage.

Reason: To ensure the space is kept available for their intended use in the interests of highway safety and the general amenity of the locality to satisfy the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy.

- 7 Notwithstanding the approved plans, unless otherwise agreed in writing with the Local Planning Authority, the Cherry Tree to the west of the proposed extension hereby permitted shall be removed prior to the above ground construction of the development hereby permitted.

Reason: In the interests of safety in accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy.

INFORMATIVE(S)

- 1 The burning of trade waste in a stove is an inappropriate method of disposal.
- 2 No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development.

Applicants are advised to contact the County Council's Access and Public Rights of Way Manager at County Hall, Northallerton on 0845 8727374 to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.