

DELEGATED

AGENDA NO  
PLANNING COMMITTEE  
7 February 2018  
REPORT OF DIRECTOR,  
ECONOMIC GROWTH AND DEVELOPMENT

17/2170/COU

76 Leonard Ropner Drive, Stockton-On-Tees, TS19 7QQ

Application for the change of use from residential garage (C3) to pet grooming salon (Sui Generis)

Expiry Date 7 February 2018

**SUMMARY**

Planning permission is sought for the change of use to convert a residential garage to a pet grooming salon at 76 Leonard Ropner Drive. The host dwelling is located within a residential estate on a corner plot location and a large area of open green space is to the north of the site (See Appendix B for the wider area).

This application site relates to a residential dwelling in which the existing integral garage is to be converted to facilitate the dog grooming business. The conversion of the garage would require planning permission in its own right and the business requires consent as it falls outside the scope of permitted development. It is intended that the dog grooming business is to operate Monday – Friday between 9:00am – 5:00pm and would allow four dogs to be groomed/ bathed on this daily basis. As such the driveway would be widened to allow four car parking spaces to accommodate the loss of the converted garage and proposed running of the business.

A total of 12 objection comments have been received which relate to a number of concerns, two of the main ones relate to increase in noise and traffic/car parking levels. In response to this a business model report was submitted (See Appendix D) to further define the nature of the business (as outlined above), the application form was amended to confirm the number of staff (one member) and further no signage is intended as part of this application.

Taking into account all comments received, it is considered that the scheme would not have a significant detrimental impact upon the character of the area, the amenity of neighbouring occupiers and highway/ pedestrian safety. There are also no planning policies which would render the application unacceptable and it is therefore recommended that the application be approved.

**RECOMMENDATION**

**That planning application 17/2170/COU be approved subject to the following conditions and informatives below;**

**01 Time Limit**

*The development hereby permitted shall be begun before the expiration of Three years from the date of this permission.*

*Reason: By virtue of the provision of Section 91 of the Town and Country Planning Act 1990 (as amended).*

**02 The development hereby approved shall be in accordance with the following approved plan(s);**

*Plan Reference Number      Date on Plan*

2017/SG/02	10 January 2018
2017/SG/01	7 November 2017
SBC0001	7 November 2017

*Reason: To define the consent.*

**03 Materials**

*The materials used in the construction of the external walls and roof of the development, hereby approved, shall match those within the existing main dwelling unless otherwise agreed by the Local Planning Authority.*

*Reason: In the interests of visual amenity and to ensure a satisfactory form of development.*

**04 Opening Hours/ Number of Dogs**

*Notwithstanding the submitted information, the converted integral garage shall not be used for the use of dog grooming and no deliveries shall be taken outside the hours of 09:00am – 17:00pm Monday to Friday and no working shall take place on Saturdays, Sundays or Bank Holidays. The number of appointments or clients visiting the site shall be restricted to no more than four appointments per day, during the permitted hours of operation only.*

*Reason: In the interests of residential amenity.*

**05 Driveway**

*Prior to the approved development being brought into use, the additional car parking space shall be provided in accordance with Plan 2017/SG/02 (date received 10.01.2018) and the parking provision shall be retained thereafter for the lifetime of the development. The hard-standing shall be constructed from porous/permeable materials or provision made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwelling house.*

*Reason; To provide the requisite in curtilage car parking provision in the interests of highway safety and to prevent increase risk of flooding from surface water run-off in accordance with Core Strategy Policy CS3.*

**06 Equipment**

*The equipment in association with the dog grooming business shall be restricted to those described with the submitted Business Model and associated noise emissions (date received 23rd January 2018) in which a stand dryer, a cabinet dryer and a clipper shall be used.*

*Reason: In the interests of safeguarding amenity through controlling noise levels.*

**07 Window/ Doors**

*The proposed front window and side single door as indicated on plan 2017/SG/02 (date received 10.01.17) shall not be open when the dog grooming equipment is in use.*

*Reason: In the interests of safeguarding amenity through controlling noise levels.*

**08 Drainage**

*Prior to the use of the hereby approved dog grooming business, a filter shall be attached to the domestic sink outlet within the host dwelling.*

*Reason: To prevent dog hair from collecting and causing blockages to the drainage system*

## **09 Garage Conversion Works**

*Notwithstanding the submitted information, the hereby approved garage conversion shall be carried out in full accordance with the approved plans and such works shall be fully completed within three months of the date of this permission.*

*Reason: For the avoidance of any doubt and to ensure a satisfactory form of development.*

### **INFORMATIVE OF REASON FOR PLANNING APPROVAL**

*Informative: Working Practices*

*The Local Planning Authority has worked in a positive and proactive manner and sought solutions to problems arising in dealing with the planning application by seeking a revised scheme to overcome issues and by the identification and imposition of appropriate planning conditions*

*Informative: Dropped Vehicle Crossing*

*The applicant should contact Care For Your Area 01642 391959 regarding the widening of the dropped vehicle crossing.*

### **SITE AND SURROUNDINGS**

This application site relates to a two storey detached dwelling located on a corner plot setting at 76 Leonard Ropner Drive, Stockton-On-Tees. Adjacent to the east is 78 Leonard Ropner Drive and to the rear (south) of the application site is 74 Leonard Ropner Drive. To the western side of the host dwelling is the highway followed by further residential properties and this highway continues to the north (front) of the site in which beyond is an area of open land.

### **PROPOSAL**

This application seeks a change of use to convert the current residential (integral) garage to a pet grooming salon; going from a C3 use class to a Sui Generis use class.

As part of this application, additional supporting information was submitted by the applicant to detail the business model. This business model states that there are to be four dogs daily, on an hourly basis with the operating hours between 9:00am – 5:00pm.

To facilitate this, the existing integral garage would be converted and so to the front would be a large window and the scheme has been revised to put the single door to the existing eastern side elevation of the host dwelling. The front elevation would also feature a garage door which is to be lowered once the business is closed for the day.

Since the original scheme, the plans have been revised to omit the single door at the front to the side and only the nearest two neighbours to the side and rear were consulted. This is because the nature of the change would only potentially impact these two closet neighbours and not the surrounding properties. Further, neighbours were not re-consulted on the additional information supplied by the applicant as the nature of the business has remained unchanged and the business model was submitted for clarify purposes.

### **CONSULTATIONS**

The following Consultations were notified and any comments received are set out below:-

#### **Highways, Transport & Design Manager**

##### **Highways Comments:**

The applicant has submitted revised information stating that they will be the sole employee and the business will operate only Monday to Friday.

This 5-bedroom house currently benefits from 3 incurtilage car parking spaces, an under provision of 1 space in accordance with SPD3: Parking Provision for Developments 2011. This proposal

removes the garage and the applicant proposes to widen the drive and provide 4 spaces. The applicant states that they will be the sole employee therefore only additional 1 space for visitors is required. Given the existing under provision of 1 space, the proposed provision of 4 spaces is acceptable in this instance.

The proposed use would operate 09:00-17:00 Monday to Friday, which would be outside the peak hours for on-street parking in a residential area. It is noted that the property is on a bend however traffic calming measures are in place.

### **Environmental Health Unit**

I have checked the additional documentation, comments and information provided within the business model and would recommend the conditions as detailed be imposed on the development should it be approved.

The operating hours to be restricted to between 09:00-17:00Hrs Monday to Friday and no operating hours weekends or Bank Holidays

Noise equipment will be restricted to those described or better in the business model, a stand dryer emitting 66db at 10 feet (as per manufacturer), a cabinet dryer (82 db at 6feet) (As per manufacturer) and a clipper emitting the same dbs as a household razor.

All doors and windows will be kept closed when the equipment is in use.

Dogs will be supervised at all times when at the premises.

There will be a filter attached to the sink outlet to prevent dog hair from collecting and causing blockages to the drainage system and potential inconvenience to the neighbourhood.

### **Councillors**

#### Councillor Woodhead

I am concerned about the extra traffic this application may generate on this small estate due to customers transporting their pets there.

#### Councillor Perry

With reference Planning application - 17/2170/cou, change of use from residence to Dog Grooming Service at 76 Leonard Ropner Drive. In this quiet private estate, it does not bode well for other residents, with the increase in traffic that will be incurred around this area

### **PUBLICITY**

Neighbours were notified and a total of 12 objection comments have been received from the following addresses:-

Mr David Llewellyn, 72 Leonard Ropner Drive, Stockton-On-Tees  
Mrs Victoria Stephenson, 77 Leonard Ropner Drive, Stockton-On-Tees  
Paul Prosser, 83 Leonard Ropner Drive, Stockton-On-Tees  
Mr Gary Brown, 5 Ullapool Close, Stockton-On-Tees  
Mr and Mrs Truscott, 1 Ullapool Close, Stockton-On-Tees  
David Wright, 81 Leonard Ropner Drive, Stockton-On-Tees  
Mr Keith Godwin, 80 Leonard Ropner Drive, Stockton-On-Tees  
Mrs P Hodgson, 40 Leonard Ropner Drive, Stockton-On-Tees  
Mr A Jowett, 84 Leonard Ropner Drive, Stockton-On-Tees  
Mrs Mary Whiteside, 79 Leonard Ropner Drive, Stockton-On-Tees  
Mr Craig Coverdale, 75 Leonard Ropner Drive, Stockton-On-Tees  
Mr Damian Daly, 71 Leonard Ropner Drive, Stockton-On-Tees

The main concerns relate to the following:-

- Restrictive covenants to restrict businesses operating within these residential dwellings
- Works had started prior to a formal application being submitted
- Concerns for existing domestic drainage
- Concerns with increased traffic levels, vehicle manoeuvring and increased levels of car parking
- Impact to emergency services
- Development would set a precedent
- Devaluation of properties
- Increased noise levels
- Increased risk of dog fouling and general litter from customers
- Concerns over signage
- Removal of front tree of the application site
- Impact upon a view
- Area not suitable for this development

A telephone call was also received from a neighbouring property expressing similar concerns as highlighted above. This neighbour was advised to write in formally because no weight can be attributed to verbal comments in the planning process.

Full details of the written objections can be viewed online at the following web address;

<https://www.developmentmanagement.stockton.gov.uk/online-applications/>

### **PLANNING POLICY**

Where an adopted or approved development plan contains relevant policies, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permissions shall be determined in accordance with the Development Plan(s) for the area, unless material considerations indicate otherwise. In this case the relevant Development Plan is the Core Strategy Development Plan Document and saved policies of the Stockton on Tees Local Plan. Section 143 of the Localism Act came into force on the 15 Jan 2012 and requires the Local Planning Authority to take local finance considerations into account, this section s70(2) Town and Country Planning Act 1990 as amended requires in dealing with such an application [planning application] the authority shall have regard to a) the provisions of the development plan, so far as material to the application, b) any local finance considerations, so far as material to the application and c) any other material considerations

### **National Planning Policy Framework**

Paragraph 14: At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means approving development proposals that accord with the development without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted.

### **Local Planning Policy**

The following planning policies are considered to be relevant to the consideration of this application.

#### Core Strategy Policy 2 (CS2) - Sustainable Transport and Travel

3. The number of parking spaces provided in new developments will be in accordance with standards set out in the Tees Valley Highway Design Guide.

Further guidance will be set out in a new Supplementary Planning Document.

### Core Strategy Policy 3 (CS3) - Sustainable Living and Climate Change

8. Additionally, in designing new development, proposals will:

- \_ Make a positive contribution to the local area, by protecting and enhancing important environmental assets, biodiversity and geodiversity, responding positively to existing features of natural, historic, archaeological or local character, including hedges and trees, and including the provision of high quality public open space;
- \_ Be designed with safety in mind, incorporating Secure by Design and Park Mark standards, as appropriate;
- \_ Incorporate 'long life and loose fit' buildings, allowing buildings to be adaptable to changing needs. By 2013, all new homes will be built to Lifetime Homes Standards;
- \_ Seek to safeguard the diverse cultural heritage of the Borough, including buildings, features, sites and areas of national importance and local significance. Opportunities will be taken to constructively and imaginatively incorporate heritage assets in redevelopment schemes, employing where appropriate contemporary design solutions.

### **MATERIAL PLANNING CONSIDERATIONS**

The main planning considerations with respect to this application is the principle of development, the impacts upon the character of the dwelling and surrounding area, the impact upon amenity and implications for highway and pedestrian safety.

#### **Principle of Development**

The proposed use (Sui Generis) is not classed as a town centre use and is therefore not subject to the sequential approach as set out in the NPPF. Therefore, there is no planning requirement to get the applicant to search for other properties to accommodate the business and the application site has to be given full consideration. Whilst there may be other available properties elsewhere, the scheme cannot be refused solely on this basis.

The site is also located within the limits to development and it is considered that it can be accessed via a range of transport modes. As such its location could attract customers from the wider residential area that it is likely to serve. The site is therefore considered to be located in an area that is acceptable with regards to walking distances and it also has access to public transport, albeit located on the main road; Bishopton Road West. The development is considered to be sustainable in this respect and overall the principle of development is considered to be acceptable in this location.

#### **Character**

The external alterations to the host dwelling are considered to be in keeping and acceptable to the surrounding area. The change to the window at the front and single door to the side is not considered to be an unfamiliar feature for residential estates.

A condition has not been attached regarding the shutting of the garage door because whether it is the garage door or proposed window that is visible, either is not considered to adversely impact up the surrounding visual amenities.

The proposed business is also considered to be acceptable with regards to the context of the surrounding area when considering the relatively low numbers of dogs a day. Whilst the activity levels would slightly increase, this is not considered to go significantly beyond the scope of a busy domestic property. The change in this context is not considered to significantly harm the character of the surrounding area as to warrant a strong enough reason for refusal.

With regards to the comments expressed about restrictive covenants, this is a separate matter to planning and so should approval be granted, this does not automatically grant consent from the legal processes. As such this concern cannot be given any material weight but the impact of the business itself from the planning side can be assessed.

Reference has been made to the existing front tree within the front garden of the application site (which was present at the time of the site visit) to be removed. Whilst it would be preferable to maintain this tree, it is not covered by a formal tree protection order and it is within the applicants rights to remove the tree if they wish too currently.

It is also not uncommon to have extended driveways and so the proposed hardstanding is considered to be acceptable to the character of the area.

Reference has been made about the loss of the open space and its impact to this open green space. However, the development is to be within the applicant's land ownership and the small nature of the development is not considered to adversely impact upon this area of land to the north of the site.

### **Amenity**

The nature of the garage conversion itself is not considered to adversely impact upon privacy and amenity of neighbouring property given its siting in relation to the orientation of these neighbouring properties.

Whilst it is noted that the nature of the business would increase activity levels for this property, the number of dogs a day is not considered to significantly increase activity levels to the detriment of surrounding residential properties. A condition has been attached to limit the operation hours between 9am – 5pm and so it is not considered the business would generate activity outside unsociable hours. Further, four arrivals a day (which has also been conditioned) is not considered to create such an adverse impact in terms of traffic/vehicular noise as to warrant a reason for refusal.

With regards to noise from the dogs, they are to be contained within the converted garage which is considered to offer a space that would insulate against any potential barking noise. As suggested by the Environmental Health Unit, conditions have been attached regarding the equipment and windows/ doors in which the revised scheme of the side door is not considered to adversely impact upon amenity.

Whilst this consultee comment made reference to the dogs being supervised at all times, this has not been conditioned given the nature of the business. It would also not be a condition that can be regularly monitored or easily enforced.

Given the number of dogs a day, even if barking does occur outside the property (when arriving/ leaving or using the rear garden area) this is not considered to be significantly worse than a home owner having just one dog within their own household, given the proposed number of dogs. The Environmental Health Unit have also not raised any adverse comments in this regard.

It should also be noted that whilst the garage conversion requires consent due to restrictions on the original approval of the estate, there are no planning restrictions regarding the business. Therefore, aside from the covenant on the properties a dog grooming business could be run at this property without the need for planning permission if scaled down e.g. 2 – 3 dogs a day.

Therefore whilst understanding of the comments expressed about noise, it is not considered that the development would create such an adverse impact in this regard as to warrant a strong enough reason for refusal.

Some comments have referred to the proposal impacting upon a loss of outlook and the feeling of being closed in. As the works do not involve an extension, it is assumed that this reference is made about traffic or car parking which will be discussed further below. However, the nature of the

development itself is not considered to adversely impact upon any loss of outlook of neighbouring properties.

### **Highway Safety**

A number of concerns have been raised relating to car parking arrangements, impact to traffic and general vehicle manoeuvring. However, the Highways, Transport and Design Manager has not objected to the proposal and such comments are based on the correct application form (Submitted the 15<sup>th</sup> December 2017) and business model which made clear the hours/ days of operation and numbers of staff.

These comments stated that the current property has 3 car parking spaces with an under provision of 1 space for the host dwelling. Therefore, whilst the garage would be removed, the proposed driveway would provide the required in curtilage car parking for a domestic use. However, the proposed driveway would maintain the existing under provision and the fourth space would technically allow for the required 1 visitor parking space based on the applicant being the sole employee of the proposed business.

Therefore whilst concerns are expressed about car parking, it is considered that the site can accommodate the relevant car parking. As noted within the Highways, Transport and Design Managers comments, the business would operate outside peak hours for on-street car parking and therefore the development is considered to be acceptable in this regard. A condition has also been attached to ensure the proposed hardstanding is implemented prior to the business operating.

A neighbour comment was made about access to the car parking area and any associated damage to the verge in which an informative has been attached for the applicants attention in regards to widening this vehicle dropped kerb area.

It is also not considered that the proposal would significantly increase traffic levels or create vehicle manoeuvres that would be to the detriment of other highway and pedestrian users. Reference was made from the Highways, Transport and Design Manager that the application site is located on a bend and traffic calming measures are in place. This is considered to be sufficient when considering that a maximum of four customers would arrive/leave the site on a daily basis between Monday and Friday. This has also been conditioned to limit the number of customers at this application site. No adverse comments were raised in regards to the home owners or visitors entering and exiting the proposed driveway.

Based on the above assessment along with comments from the Highways, Transport and Design Manager, there is no evidence to the contrary that would suggest the nature of the development would adversely impact upon the access of emergency vehicles/ services.

Furthermore, the nature of the business does not require major industrial equipment and so the comment about larger vehicles arriving on site is not considered to be accurate in this instance. This is because there would be no need to have large lorries deliver or collect non-domestic waste given the relatively small nature of the business.

### **Drainage**

Whilst concerns have been raised in respect to the above, no adverse consult comments have been received subject to a filter being fitted. This has been attached by way of a condition but the nature of the business is considered to be relatively small and as already noted it is not intended to use significant industrial equipment. The business is also to operate inside the converted garage and so it is not considered to add to any surface water run off externally to the building.

Therefore, whilst understanding of these concerns over drainage, it is not considered that there is any contrary information to demonstrate that the proposed business would create such an adverse



impact to the current estate drainage system as to warrant further mitigation measures. There is therefore not a strong enough reason in this regard to refuse the scheme on this basis.

## **Residual Matters**

### Part Retrospective Works

Whilst the garage door was down at the time of the site visit, it is understood from neighbour comments that some internal works in relation to the conversion had been carried out prior to applying for planning permission. However, it is up to the applicant to apply for planning permission and the local planning authority will determine each application on its own merits. Therefore, whilst these general comments are appreciated, there is no bias when determining part retrospective applications and they cannot solely be refused on the basis of the works being started or near completion.

### Other Business

A comment was made about the applicant still running another business along Harrowgate Lane. Whilst it is understood from the applicant that this business is to cease when implementing this business, whether this does or does not happen would not influence the outcome of this decision.

### View/ Devaluation

In relation to those concerns about the impact upon a view and the devaluation of neighbouring properties, these are not material planning considerations and therefore have not been considered as part of the determination of the application.

### Precedent

Concerns have been raised in relation to this proposal setting a precedent for the area. In the event of such development requiring consent, any proposals would be treated on their own merits in the light of the situation prevailing at the time and relevant planning policies. As such this application has been assessed on its own individual planning merits with regard to relevant material considerations.

### Signage

This application does not include the installation of signage and should the business require this in the future they would first need to apply to the local planning authority to see whether consent is required. If it is then then this would be assessed under a separate advertisement application.

### Right to Appeal

A comment was made about wanting to appeal against this development and it should be noted that there is no third party right of appeal.

### Litter/ Dog Fouling

Due to the nature of the development i.e. not a hot food outlet, it is not considered necessary to ask for a management scheme regarding litter. Nevertheless, it is not considered that the business side of the development would generate excesses amount of litter.

With regards to dog fouling, this is also considered to be limited when considering the entering and exit times into the property which are not considered to be of a prolonged period. Nevertheless, it would be up to the applicant to manager this should dog fouling occur within their land and there are also no planning controls regarding this matter. This also applies to whether customers decide to walk their dogs on or around the field. There are however, separate bodies to control littering and dog fouling on the public highway.

### Council Tax/ Enforcement

A comment was made about a reduction in council tax based on this development devaluing the surrounding properties. However, as already mentioned devaluation is not a material planning consideration. The pricing of council taxes also falls outside the scope of planning.

Conditions have been attached as part of this decision which would need to be adhered to by the applicant. If this is not done then the applicant is in breach of these conditions and enforcement action could be taken if appropriate. Although this would be subject to investigation at that time should this breach occur.

#### Anti-Social Behaviour

A comment was made about putting up community protection orders but as there is no evidence to the contrary, it is not considered the development would add to anti-social behaviour.

#### **CONCLUSION**

Overall it is considered that the proposed development accords with planning policy within the Development Plan and National Planning Policy Framework and it is considered that there will be no adverse impacts on the character of the area or amenity of neighbouring properties. It is also considered that the development will not have an adverse impact on highway safety and therefore there are no material considerations which indicate that the determination should not be in accordance with the Development Plan. It is therefore recommended that the application be Approved with Conditions for the reasons specified above.

**Director of Economic Growth and Development**

**Contact Officer Miss Christina Poles Telephone No 01642 526063**

#### **WARD AND WARD COUNCILLORS**

<b>Ward</b>	<b>Fairfield</b>
<b>Ward Councillor(s)</b>	<b>Councillor Bill Woodhead MBE</b>
<b>Ward Councillor(s)</b>	<b>Councillor Maurice Perry</b>

#### **IMPLICATIONS**

##### **Financial Implications:**

There are no known financial implications

##### **Environmental Implications:**

There are no known environmental implications.

##### **Human Rights Implications:**

The provisions of the European Convention of Human Rights 1950 have been taken into account in the preparation of this report.

##### **Community Safety Implications:**

The provisions of Section 17 of the Crime and Disorder Act 1998 have been taken into account in the preparation of this report

##### **Background Papers**

Core Strategy DPD

##### **Supplementary Planning Guidance Notes**

Householder Extensions

##### **Supplementary Planning Documents**

SPD3 – Parking Provision for Developments

**APPENDIX**

Appendix A – Submitted location plan

Appendix B – OS map wider area

Appendix C – Submitted proposed elevations and floor plans

Appendix D – Applicants Business Model