

DELEGATED

**AGENDA NO
PLANNING COMMITTEE**

[Insert date]

**REPORT OF DIRECTOR,
ECONOMIC GROWTH AND DEVELOPMENT
SERVICES**

19/0221/COU

**Scott Bros Transport, Workshops, Thornaby Community Fire Station
Change of use from industrial (B2) to a doggy day care centre and grooming salon (sui generis). Erection of 1.82m high fencing.**

Expiry Date 31 May 2019

SUMMARY

The application Site is part of the former Cleveland Fire and Rescue vehicle repair centre within the defined development limits of Thornaby, a principally residential area, the eastern boundary of the Site is shared with the new fire station.

Permission is being sought for the change of use of part of the existing building into a doggy day care and dog grooming salon (Sui Generis). Externally the only alteration proposed is the erection of a secure boundary fence to allow the external exercising of the dogs.

A total number of 24 neighbour letters have been received making supporting comments, representations and objections. Those comments received include a range of views including those with support for the applicant and the proposed use as a doggy day care and concern over the associated impacts such as noise. All of which are summarised within the report. The application is referred to Planning Committee due to number of consultation responses received contrary to officer recommendation.

It is considered that the proposed development by virtue of the activities and noise generation would have an adverse impact on the amenity of the surrounding residential properties to such an extent that it would not be possible to mitigate the impact. The proposed development is therefore considered to be contrary to para 127 of the NPPF and Policy SD8.

Members are therefore recommended to refuse permission on the reason set out below.

RECOMMENDATION

Planning application 19/0221/COU be Refused for the following reasons

Amenity

- 01. In the opinion of the Local Planning Authority due to the proposed use of the building and yard for the purpose of a doggy day care/ dog grooming in such close location to existing residential dwellings would result in an unacceptable level of amenity both within the dwellings and in the external amenity spaces even when**

taking into account the proposed mitigation measures. The noise, nuisance and general disturbance, caused from the close proximity of the Site to the existing residential properties would be contrary to para 127 of the NPPF which seeks to secure a good standard of amenity for all existing and future occupants of land and buildings and Local Plan Policy SD8.

BACKGROUND

1. There is no relevant planning history which relates to the application Site.

SITE AND SURROUNDINGS

2. The application Site, hereby referred to as the Site, is part of the former fire station with the host building being the former mechanic workshop for Cleveland Fire and Rescue. The proposed change of use relates to the former ancillary office. To the east of the Site is the new fire station with the western boundary formed by a mix of three storey dwelling houses and four storey flats. The immediate area is principally a residential area close to Thornaby Town Centre

3. The site benefits from a substantial area of existing hardstanding to the north.

PROPOSAL

4. Planning permission is being sought for the part change of use of the existing building to a doggy day care and dog grooming (Sui Generis), the proposed maximum dogs being taken care of in the dog day care at any one time would be 22 dogs. Part of the application includes the erection of a boundary fence to provide an outside play area in association with the doggy day care.

5. The applicant has submitted a Management Plan following the initial objections raised from Environmental Health.

6. No other external alterations are proposed. This application has not proposed any internal alterations.

CONSULTATIONS

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

Councillors

At the time of writing no written representations had been received.

Highways Transport & Design Manager

The Highways Transport and Design Manager raises no objections to the proposals.

Highways Comments

Adequate parking is provided within the site, there are no highway objections.

Landscape & Visual Comments

There is no objection to the proposed fencing which is located to the rear of the existing building away from public view.

Environmental Health Unit

Objects to the proposed change of use (see attached appendices).

PUBLICITY

Neighbours were notified and a Site Notice displayed. A total of 23 letters have been received both in support and objection to the proposal. The comments received are set out below:-

Support

Ms Nicola Anderson (4 Medbourne Gardens Middlesbrough), Mrs Annalice Sibley (10 The Turnstile Linthorpe), Mrs Sarah Ferguson (6 Holme Land Ingleby Barwick), Mrs Nicola Rawlings (3 Pannell Ave Whinneybanks), Miss Lesley Campbell (10 Stonebridge Crescent Ingleby Barwick), Mrs Lily Wood (28 Garrett Walk Newport Estate), Mr Rian Du Plessis (25 Leith Walk Thornaby) Miss Emma Leason (3 Crosswell Park Ingleby Barwick) Mrs Amanda Williams (5 Castlemartin Ingleby Barwick), Mr Glen Craig (15 Laburnum Avenue Thornaby) Ms Sue Phoenix (41 Asterley Drive Acklam), Miss Emma Barnwell (25 Harlech Court Ingleby Barwick) Mrs Lisa Patton (12 Burdon Garth Ingleby Barwick) Miss Pippa Wood (29 Brough Close Thornaby) Miss Amy McNeil (115 Clarendon Road Thornaby), Mrs Elaine Goodison (53 The Birches Coulby Newham), Mrs Laura Tennant (113 St Barnabas Road Linthorpe), Mrs Sarah Mayfield-Chester (41 Asterley Drive Acklam), Mr Craig Roberts (38 Ventnor Road, Linthorpe) Mrs Rachael Fitton (62 Greensforge Drive, Ingleby Barwick), Miss Sara Hussein (67 Wolsingham Drive, Thornaby), Margret Smith (42 Croft Avenue Middlesbrough), Miss Lyndsey Bartlett (72 Chipchase road, Middlesbrough), Miss Leanne Rayner (34 Beechwood Road, Eaglescliffe), Miss Leanne French (18 Addison road, Middlesbrough), Miss Phillipa Boyd (69 Lulsgate, Thornaby)

- Good Site
- Increase employment
- Redevelopment of Site
- Positive enhancement
- Support principle of business
- Mitigation measures proposed show a high level of consideration
- Applicant is well respected in the industry

Objection

Ian Parnaby (9 Summerfield Grove Thornaby)

This is right next to a residential area the noise and smell that may come from this site being a dog day centre is just not acceptable and would be better suited to an industrial area and not a residential area.

PLANNING POLICY

8. 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 Stockton on Tees Borough Council Local Plan 2019.

9. Section 143 of the Localism Act came into force on the 15 January 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 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

10. The purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic, social and environmental objectives.

So that sustainable development is pursued in a positive way, at the heart of the Framework is a **presumption in favour of sustainable development** (paragraph 11) which for decision making means;

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. 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.

Local Planning Policy

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

Policy SD1 - Presumption in favour of Sustainable Development

1. In accordance with the Government's National Planning Policy Framework (NPPF), when the Council considers development proposals it will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF. It will always work proactively with applicants jointly to find solutions which mean that proposals for sustainable development can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

2. Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

3. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise - taking into account whether:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole;
- or,
- Specific policies in that Framework indicate that development should be restricted.

Policy SD2 – Strategic Development Needs

Other Development Needs

7. Where other needs are identified, new developments will be encouraged to meet that need in the most sustainable locations having regard to relevant policies within the Local Plan.

Policy SD4 - Economic Growth Strategy

Employment and Training Opportunities

19. Support will be given to the creation of employment and training opportunities for residents. Major development proposals will demonstrate how opportunities arising from the proposal will be made accessible to the Borough's residents, particularly those in the most deprived areas and priority groups.

Policy SD8 – Sustainable Design Principles

1. The Council will seek new development to be designed to the highest possible standard, taking into consideration the context of the surrounding area and the need to respond positively to the:

- a. Quality, character and sensitivity of the surrounding public realm, heritage assets, and nearby buildings, in particular at prominent junctions, main roads and town centre gateways;
- b. Landscape character of the area, including the contribution made by existing trees and landscaping;

- c. Need to protect and enhance ecological and green infrastructure networks and assets;
- d. Need to ensure that new development is appropriately laid out to ensure adequate separation between buildings and an attractive environment;
- e. Privacy and amenity of all existing and future occupants of land and buildings;
- f. Existing transport network and the need to provide safe and satisfactory access and parking for all modes of transport;
- g. Need to reinforce local distinctiveness and provide high quality and inclusive design solutions, and
- h. Need for all development to be designed inclusively to ensure that buildings and spaces are accessible for all, including people with disabilities.

2. New development should contribute positively to making places better for people. They should be inclusive and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit.

3. All proposals will be designed with public safety and the desire to reduce crime in mind, incorporating, where appropriate, advice from the Health and Safety Executive, Secured by Design, or any other appropriate design standards.

4. New development will seek provision of adequate waste recycling, storage and collection facilities, which are appropriately sited and designed.

MATERIAL PLANNING CONSIDERATIONS

12. The main considerations of this application relate to the principle of the development, the impact on the character and appearance of the area, the impact on the amenity and highway safety matters along with any other material planning considerations;

Principle

13. As set out within the Site and Surrounding section of this report, the Site whilst within the defined development limits, in relatively close proximity to Thornaby District Centre the Site is not an allocated site. With the exception of the fire station the surrounding land use is principally residential.

14. The proposed Sui Generis use is not considered to be a town centre use as identified by the National Planning Policy Framework (NPPF). The proposed use is considered to be a more appropriate use within an industrial area, given the noise and disturbance that could be caused by dogs within a residential area.

15. In view of the above considerations and subject to the scheme satisfying other material considerations as set out below, there is no policy specific reason why the principle of the development would not be acceptable.

Residential Amenity

16. Local and National Planning Policy requires that development does not have a detrimental impact on current or future occupiers.

17. Following concerns raised by officer over the proposed use in relation to the residential properties to the west of the Site a noise survey was requested. This was dually submitted, there has since been four revisions of the noise survey submitted and considered during the planning application process. Following receipt of the final Noise Survey, Environmental Health Officers have carried out their own survey work and have concluded;

This proposal will result in a loss of amenity to the nearby existing residents both inside their properties and for those with external gardens.

I therefore maintain my objection regarding this application on noise grounds due to the potential loss of amenity from the barking dogs

The full EHO comments have been included within the appendices to this report, however a summary of the key areas concerned have been set out below.

18. Despite the revisions and proposed mitigation measures the Environmental Health Officers have not been satisfied that the proposed use of the Site for a dog day care in such close proximity to residential dwellings would result in an adverse impact to current and future occupiers. Their key concerns have been broken down below;

Dogs in External Area

19. The noise levels when taken from the flats and dwellings would mean that the noise disturbance as set out by the PPG, at the lower level flats will be “noticeable and intrusive” whilst the noise in the higher flats will be “noticeable and disruptive”. The noise generated from the proposed development would therefore be deemed to cause an adverse impact on the amenity of the adjacent residents and lead to complaints against the proposed premises.

Dogs Internally

20. Noise levels would be noticeable and by virtue of the noise is likely to generate a loss of amenity.

Drop off/ Pick Up

21. The revised noise report suggests that the drop off/ pick up location will be moved to the rear side of the building, however no noise calculations have been provided to support this. The Applicant has submitted a Management Plan in attempt to alleviate some of the concerns over the arrangement of the Site. One of the proposed suggestions is staggering the drop offs to ten minutes intervals. Whilst in theory this may reduce the impact associated with dropping of the dogs and collecting them and the associated interaction outside the dwellings, there is significant concerns over how this would work in practice with potential 22 dogs to be dropped off and collected and ultimately how the LPA would enforce against any breach.

22. There is also concern how this level of activity would affect the character of the area, whilst it is appreciated that the current lawful use would generate a degree of activity the associated coming and goings would be far less than the proposed use and this has the potential to adversely affect the character of this principally residential area.

23. It is noted that this application has generated a lot of support, however it is noted that the majority of the support has come from residents in Middlesbrough and Ingleby Barwick.

24. In considering the supporting evidence it is considered that the amenity of the nearby residential properties would be adversely affected by noise as a result of this proposal as a result of combining noise from the dogs barking internally, externally and during drop off/ collections

Visual Appearance

25. The only external alterations proposed is for the erection of a boundary fence to the outdoor play area. Due to the position enclosed within the confines of the site and the overall character of the Site, existing boundary treatment to the residential dwelling to the west and the fire station to the east, this is considered to be an acceptable form of development.

26. It is therefore considered that the proposal would not cause any adverse impacts upon the visual amenity of the host dwelling and the surrounding area. The proposed development is therefore considered to be in compliance with the NPPF and Local Plan Policy SD8.

Highways

27. The proposed development would not have any implications on the existing parking arrangements or increase demand and therefore accords with the requirements of SPD3: Parking Provision for Developments 2011 and para 109 of the NPPF. The development is therefore considered acceptable in this regard.

Residual Matters

28. Of relevance to this proposal is the welfare of the dogs themselves. Notwithstanding the noise issues discussed above, the proposal requires a separate licence and following consultation with the relevant department it has been confirmed that a Licensing Officer and the Council's Veterinary Surgeon will undertake a full inspection on the suitability of the applicant and the premise.

29. At the time of writing the applicant had not applied for a licence.

CONCLUSION

30. It is recommended that the application be Refused for the reasons specified above.

Director of Economic Growth and Development
Contact Officer Helen Boston Telephone No 01642 526080

WARD AND WARD COUNCILLORS

Ward Village

Ward Councillors Councillor Ian Dalgarno

Ward Councillors Councillor Mick Moore

IMPLICATIONS

Financial Implications:

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:

Stockton on Tees Local Plan Adopted 2019

Supplementary Planning Documents:

SPD1 – Sustainable Design Guide

SPD3 – Parking Provision for Developments

