

MC/14/0928

Date Received: 1 April, 2014

Location: 6 Bowman Close, Lordswood, Chatham, ME5 8LD

Proposal: Retrospective application for change of use from garden shed/utility area to dog grooming parlour

Applicant: Mrs J Buckley

Agent:
Ward Princes Park

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 13 August 2014.

Recommendation - Approval with Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: SLP1, BP1, 2F, 2P and 2S as received on 15 April 2014.

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

- 2 The maximum number of dogs attending the dog grooming business at number 6 Bowman Close, Lordswood, Chatham (The Premises) shall not exceed one dog at any one time and no more than ten dogs shall attend the dog grooming business, at The Premises, in any one week period (Monday to Saturday). Additionally, a written log/record of the dogs groomed at The Premises shall be kept at all times whilst the dog grooming use, hereby permitted, is taking place. The written log/ record of the dogs groomed at The Premises shall be made available to the Local Planning Authority within 48 hours of a written request being delivered to The Premises. The log / record of the dogs grooming shall include: the dogs name; the name, address and contact details of the dog owner; and the date and time when the dog was groomed at The Premises.

Reason: To regulate and control activity levels and to restrict any potential intensification of use, in accordance with Policies ED10 and BNE2 of the Medway Local Plan 2003.

- 3 The dog grooming hereby permitted shall only operate between the hours of 09:00 to 17:00 Monday to Friday and 10:00 to 16:00 Saturday only.

Reason: To regulate and control hours of use in the interests of amenity and in compliance with Policies ED10 and BNE2 of the Medway Local Plan 2003.

- 4 The use hereby permitted shall be carried on only by Mrs J Buckley whilst she is living at 6 Bowman Close, Lordswood, Chatham, Kent and the use, hereby permitted, shall be discontinued and the shed restored to its former condition when Mrs J Buckley ceases to live at the property.

Reason: To regulate and control the permitted development in the interests of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

For the reasons for this recommendation for approval please see Planning Appraisal Section and Conclusions at the end of this report.

Proposal

This planning application seeks retrospective permission for the change of use of a garden shed to a dog grooming parlour. The application seeks permission to groom a maximum of one dog at any one time with no more than 10 dogs being groomed at the premises per week. The hours of operation proposed by the applicant are 09:00 hours to 17:00 hours Monday to Friday and 10:00 hours to 16:00 hours on Saturday. No working is proposed on Sundays and Public / Bank Holidays. The dog grooming is undertaken on an appointment only basis and one full time worker (the applicant) is employed.

Representations

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties.

Seven letters of representation from 5 addresses have been received raising objection to the development on the following summarised grounds:

- Increased traffic and parking problems resulting from insufficient parking is provided at the application site and on the surrounding road;
- The dogs attending the application property will create significant noise disturbance, especially from increased barking, particularly with breeding and boarding proposed, harming local amenities. The street will no longer be a quiet residential road;
- The harm caused by dog grooming would be exacerbated by dog boarding;
- An unsightly blue tarpaulin has been placed on the roof of the building used for dog grooming. The writer alleges that this is due to the building becoming overheated and raises concerns about animal welfare;
- Not an appropriate location to run a business, especially a dog grooming business;
- Point out various Acts of Parliament relevant to dogs, including: Animal Welfare Act 2006; Animal Boarding Establishment Act 1963; Breeding and Sale of Dogs (Welfare) Act 1999, Etc.

A log of vehicles visiting the premises has also been provided

All other objections raised, but not listed above, are not considered to be material planning considerations.

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003. The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework, 2012 and are considered to conform.

Planning Appraisal

Principle

The application property is sited within the urban boundaries of Chatham. Policy ED10 of the Medway Local Plan 2003 related to working from home and recognises that a variety of business activities can be undertaken from home without the need to apply for planning permission provided that the activities remain ancillary to, and do not involve material alterations to, the residential character of the property. The preamble to the Council's adopted policy recognises that the close juxtaposition of work and home can reduce car use and result in more environmentally sustainable uses. However, it also recognises that an intensification of a use can, over time, make it unacceptable due to its impact on neighbouring residential properties or for highways reasons. The policy pre-amble states that generally, businesses operating from home should not be seen as long-term propositions if the intention is to expand and that whilst not wishing to limit the opportunities for private enterprise and acknowledging the benefits to sustainable development of working from home, the Council will act to protect residential amenity if the development proposed is seen to have the potential to harm residential amenity in the surrounding area.

Policy ED10 States:

"The establishment of businesses operating from the applicant's residence will be permitted provided that it can be demonstrated that there would not be any :

(i) detrimental effect on residential amenity by way of dust, noise, smell or other emissions; and

(ii) additional traffic flows and vehicle parking which would be harmful to residential amenity or road safety; and

(iii) erosion of the residential character of the area."

These criteria are considered under the relative heading further below:

Amenity

This development in terms of amenity falls to be assessed against Policies ED10(i) and BNE2 of the adopted Local Plan. In relation to the impact upon privacy, daylight and sunlight amenities, noise, vibration and activity levels the proposed use involves no new construction, utilising an existing shed, and the is not considered to introduce

any detrimental impact in terms of privacy generally or in terms of the developments resultant impact on daylight or sunlight amenities. Furthermore, with regards to the noise and activity levels, it is not considered that the development would impinge upon neighbouring amenities significantly as a result of the activity levels proposed. (i.e one dog at any one time and no more than 10 dogs per week).

Concerns relating to noise resulting from dogs barking or whimpering are noted, but case law notes that when some dogs are placed in strange surroundings and in the company of other animals in similar circumstances, they are likely to suffer some initial distress, especially due to the absence of their owners. However, it is considered that the noise and disturbance arising from a single dog being groomed at the premises at any one time is unlikely to be excessive. The Council's Environmental Protection Team have been consulted in regard to this proposal and have raised no objections to the submission. All grooming takes place within the shed and this reduces any noise that the dogs produce whilst on the premises. Furthermore, the applicant has confirmed that it is regular practice for the owners to stay at the parlour during the grooming process. Whilst this cannot be guaranteed, the noise and disturbance resulting from the use is not considered to be likely to adversely impact on the amenities of adjoining occupiers. On this basis no objection against Policies ED10(i) or BNE2 of the adopted Local Plan is raised.

Highways

The development falls to be assessed against development plan policies BNE2 (iii), ED10 (ii) and T13 in relation to traffic generation, highway safety and adequate parking provisions. The applicant has noted that only one dog will be groomed at any one time, and a maximum of ten dogs will be groomed within the working week (a six day period). On the basis, a maximum of twenty additional trips could be generated as a result of this development. This level of traffic generation is not considered harmful to local highway conditions in Bowman Close or in the neighbouring vicinity. Furthermore, the application property has a driveway that can accommodate 3 cars, and this is considered to be acceptable for the 3+ bedroom dwelling it serves and for visitors dropping their dog off for grooming. As such it is considered that the proposal complies with Policies ED10(ii), BNE2(iii) and T13 of the Local Plan.

Design

In terms of design this shed structure was already in situ prior to the commencement of the dog grooming business. The shed is similar to other such domestic garden buildings and would have been unlikely to have required planning permission if its use was ancillary to the domestic use of the dwelling. The design of the shed is considered to be acceptable and in accordance with Policy BNE1 of the adopted Local Plan. This being the case the development is considered to be acceptable in terms of design.

Conclusions and Reasons for Approval

The use of garden shed for dog grooming is not considered, in principle, to result in the erosion of the residential character of the area, nor is it considered to detrimentally impinge upon highway safety or the flow of traffic. Furthermore the maximum potential of dogs being groomed at the premises, being up to 10 dogs per week with no more than 1 at any point in time visiting the site to be groomed is not considered to result in an intensification of activity levels that are detrimental to the amenity of neighbouring occupiers. This being the case, this application is considered to comply with the objectives of the Medway Local Plan 2003, in particular Policies BNE1, BNE2, ED10 and T13.

This application would normally fall to be considered under officers' delegated powers but has been reported for Members due to the number of letters of representation received that are contrary to the recommendation.

Update

Members will recall that this application was deferred from the Planning Committee of the 16 July 2014 due to the concerns raised by the objectors and issues raised by the Ward Councillor. These concerns related to whether the applicant was operating solely a dog grooming business or running this business alongside a dog-boarding establishment. Members sought clarification in regard to these matters.

Officers have had further dialogue with the applicant with a view to establish the full extent of dog related activities that are or will be taking place at the premises, especially in regard to whether dog boarding also takes place at the premises.

The Applicant has responded to officers in regard to these matters advising:

- No boarding / breeding takes place at the house. Home boarding was something considered whilst the business was building up but it soon become obvious that this was impractical once regular grooming custom was established. The boarding was abandoned very early on, and only 2 boarding bookings were taken in total;
- The fact that boarding was still on the grooming businesses website was an oversight. There has been a software issue in removing this matter from the web pages, but this has now been resolved and the boarding section has now been removed from the website.

In terms of the grooming element of the business the applicant advises:

- This is a very small business, handling up to 10 dogs per week.
- The grooming activity usually involves the groom of 2 dogs per day. The first dog grooming session normally starts at 10 to 10:30 am and the second at 1 to 1:30 pm. In the event that 3 dogs are groomed in a day, this is when a customer has 2 dogs to be groomed. Bookings like this result in times being adjusted slightly but not starting before 9:00 am and with the third grooming session not starting after

3:00 pm. It should be noted that sometimes only 1 dog or no dogs are groomed in a day.

- The grooming mostly takes 2 to 2.5 Hrs. per dog depending on the breed and the style requested by the customer. The groom involved an initial clipping of the body, and then the dog is bathed. After an initial dry with towel, the dog is given a quick blow dry (10 to 15 Minutes). Following this the grooming session continues with clipping/scissoring to the style requested by the customer.
- During grooming the dog is given plenty of breaks and the occasional treat. For the duration of the grooming, including before and after, the dog is on a lead or groomers tether. The dog is never left unattended.
- The dog to be groomed has no access to the rest of the garden or house. The only area accessible to the dog to be groomed is the dog parlour or small courtyard outside.
- Customers drop their dog off at the appointed time, mostly by car, sometimes on foot, and then go off site, back home or shopping, etc. After the groom they are contacted by phone to let them know their dog is ready for collection. The applicant does not consider there to be a need for parking but confirms that there is a space on their drive for customers to use if deemed necessary. The applicant also advises that they don't collect dogs for grooming apart from one old housebound lady, whose dog is collected on foot.
- In terms of the applicants own dogs they advise that they have 4 small Shih Tzu dogs in the household, under constant supervision of the applicants husband, which are kept away from the customers dogs.

Officer Comment

The applicants Web pages have been reviewed and it is confirmed that they have been amended so that boarding is no longer referred to.

The additional details of the dog grooming business are noted and the recommendation / conditions in the committee report remain unchanged.

Background Papers

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://planning.medway.gov.uk/donline/AcolNetCGI.gov>