

F/YR12/0226/F

19 March 2012

Applicant : Mrs M Baxter

Agent :

5 Oxbow Crescent, March, Cambridgeshire, PE15 9UJ

Change of use of attached double garage to dog grooming salon

This proposal is before the Planning Committee due to a request from Cllr French to assess any potential impact/noise in a residential area

This application is a change of use

1. SITE DESCRIPTION

The site is located on the western side of Oxbow Crescent which is characterised by detached houses with attached garages. No.5 is a 4-bed detached house with attached double garage and is bounded by other residential dwellings. The site is located within Flood Zone 3.

2. HISTORY

Of relevance to this proposal is:

F/YR06/0180/F - Conversion of loft to form additional living accommodation – granted 11 April 2006.

3. CONSULTATIONS

Parish/Town Council:

Recommend refusal. Inappropriate site within a residential area for this type of business.

Local Highway Authority (CCC):

Once garage is converted only 2 vehicle spaces remain which is sufficient to accommodate the residential use. Consequently customers generated by the business use will have to park on the public highway when delivering/collecting animals. The LPA should consider the implications of on-street parking when considering the acceptability (or otherwise) of this proposal.

Environment Agency:

No objection to proposal.

Environmental Protection (FDC):

No objection based on the information supplied as it is unlikely to have a detrimental effect on local air quality or the noise climate. Suggests a temporary one year consent to

monitor any issues that might arise.

Local residents/interested parties: 4 letters of objection/concern re:

- lack of clarity on proposed use;
- deeds state that no business use should be undertaken from the site;
- parking on the street;
- if consent is granted it should be limited to the current owner/occupier;
- no changes to the external appearance of the dwelling;
- customers should if possible park on the driveway;
- noise from dogs barking.

4. **POLICY FRAMEWORK**

FDWLP Policy

E8

- Proposals for new development should:
 - allow for protection of site features;
 - be of a design compatible with their surroundings;
 - have regard to amenities of adjoining properties;
 - provide adequate access.

5. **ASSESSMENT**

Nature of Application

This application seeks full planning permission for the change of use of a double garage into a dog grooming salon.

The application is considered to raise the following key issues;

- Site history
- Principle and policy implications
- Impact on neighbours

Site History

The site is located within the DAB for March and is part of an estate that was built approximately 10-12 years ago. In 2006 permission was granted for the conversion of the loft to form additional living accommodation.

It would appear that the dwellings on the estate are subject to a restrictive covenant relating to no business use to be carried out from any dwelling which has been evidenced by neighbour objections. The applicant has not provided this information direct.

Principle and Policy Implications

This is a residential estate well away from any commercial area and 4 letters of objection have been received about the change of use of the garage into a dog grooming salon.

The applicant has supplied a business plan to support her application to try to prove that the business will be low key with minimal impact on neighbours. It is proposed that there will be no signage on the dwelling to advertise the business. The business is proposed to be part-time with a maximum of 4 dogs per day between 9.00am and 5.00pm. There will be adequate time between appointments to ensure that only one customer is on site at any one time and dogs will be dropped off and picked up at the end of the session. All dogs will be kept inside until collected by their owners.

Policy E8 of the Local Plan seeks to ensure that the residential amenity of neighbours is protected and that adequate access and parking is available for the use proposed.

Impact on neighbours

4 letters of objection have been received regarding noise, parking and covenants.

With regards to the impact on neighbours, it is acknowledged that there would be some increase in the number of visitors to the premises which would be over and above what would normally be expected from a dwellinghouse. However, with a maximum of 4 customers only per day the trips to and from the dwelling would only equate to 8 vehicle movements which is not considered to be excessive.

The property benefits from 2 parking spaces on the drive and mainly one space will be available during the day for customers to park on again limiting any impact on on-street parking. However, there is no restriction for cars parking on the highway within this estate and, therefore, it is unreasonable to refuse an application based purely on the issue of customers possibly having to park on the road.

With regards to possible noise from the dog grooming business again due to the fact that only one dog will be on site at any one time it is unlikely that noise would be generated to a level that would cause nuisance to the detriment of the neighbours that could warrant a reason of refusal.

It is concluded that the proposed use would not have a harmful impact on the living conditions of neighbours having particular regard to noise and disturbance.

With regards to a possible covenant on the dwelling restricting any business use, this is a legal issue and not a material planning consideration.

Conclusion

The Local Planning Authority considers that the proposed use is low key and with the imposition of conditions the use will not have a detrimental impact on the living conditions of neighbours with regards to noise and disturbance.

However, given the level of objection it is proposed to allow a temporary consent to allow any possible complaints to be monitored for 12 months to ensure that the business is conducted in a manner that will protect neighbouring properties.

Given that the Council seeks to support businesses, the LPA consider that this business from home should be supported due to the low key nature of the proposal.

6. RECOMMENDATION

GRANT

1. The use hereby permitted shall be discontinued and the garage restored to its former use on or before 30 May 2013 unless a further planning application for renewal or continued use is submitted prior to that date.

Reason – The proposal is not one the Council is prepared to permit other than for a limited period in order to monitor any potential impact on the residential amenities of neighbours.

2. The use hereby permitted shall be carried on only by Mrs M Baxter unless otherwise approved in writing with the Local Planning Authority.

Reason – In granting this permission the Council has had regard to the special circumstances of this case and wishes to have the opportunity of exercising control over any subsequent use in the event of Mrs M Baxter vacating the premises, in the light of the Development Plan and any other material considerations.

3. The use hereby permitted shall only operate between the hours of 9.00am and 5.00pm Monday to Fridays and not at all on Saturdays, Sundays or Bank Holidays.

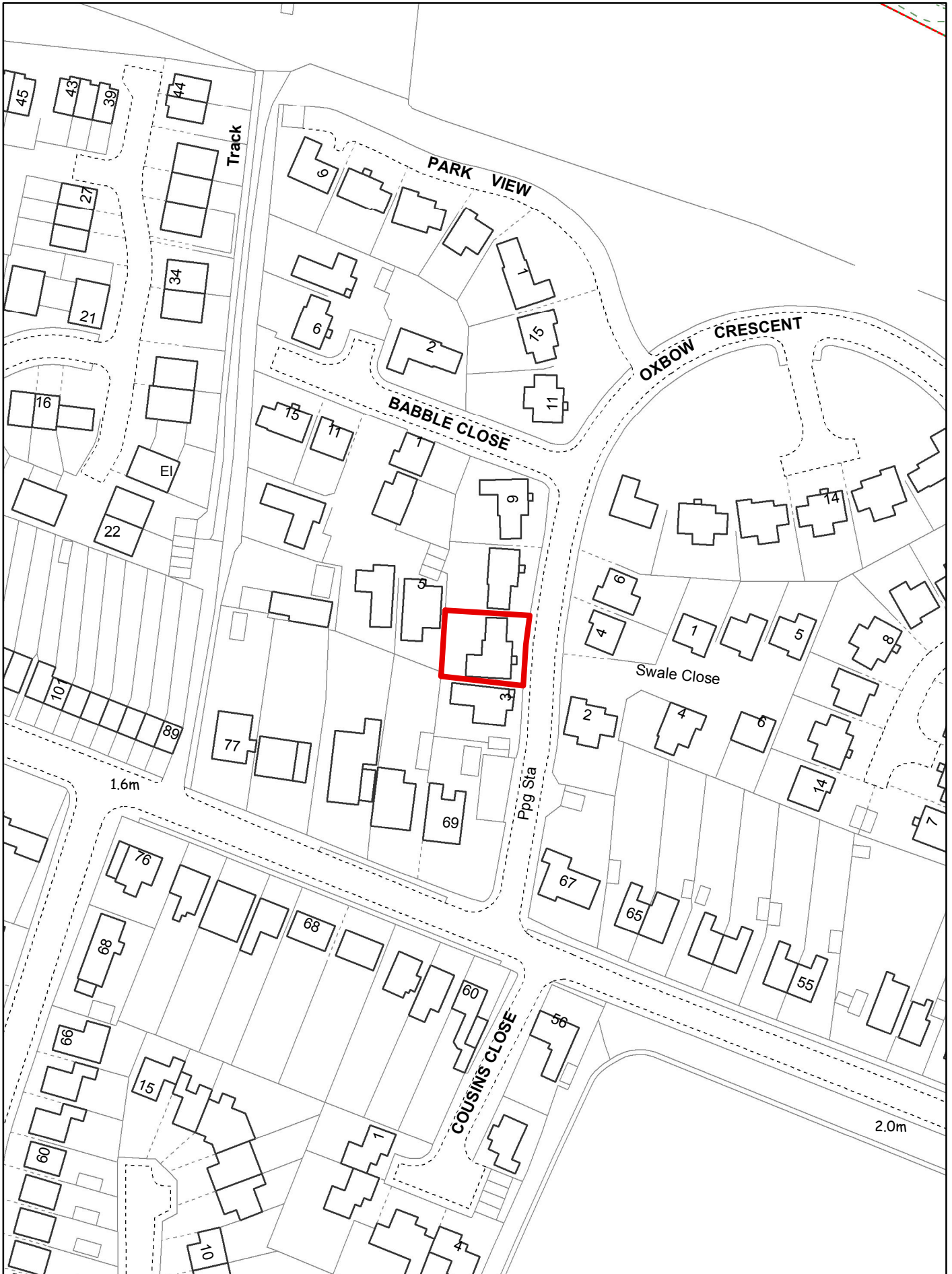
Reason – To protect the amenities of adjoining properties.

4. No more than 2 dogs, either awaiting collection or undergoing treatment, shall be on the premises at any one time, and no customer's dogs are to be kept on the premises overnight.

Reason – To safeguard the reasonable amenities of neighbouring residential occupiers.

5. No advertisements or signage is to be attached to the dwelling or any free standing signs erected within the curtilage of No.5 Oxbow Crescent, March.

Reason – To protect the visual amenities of the residential area.



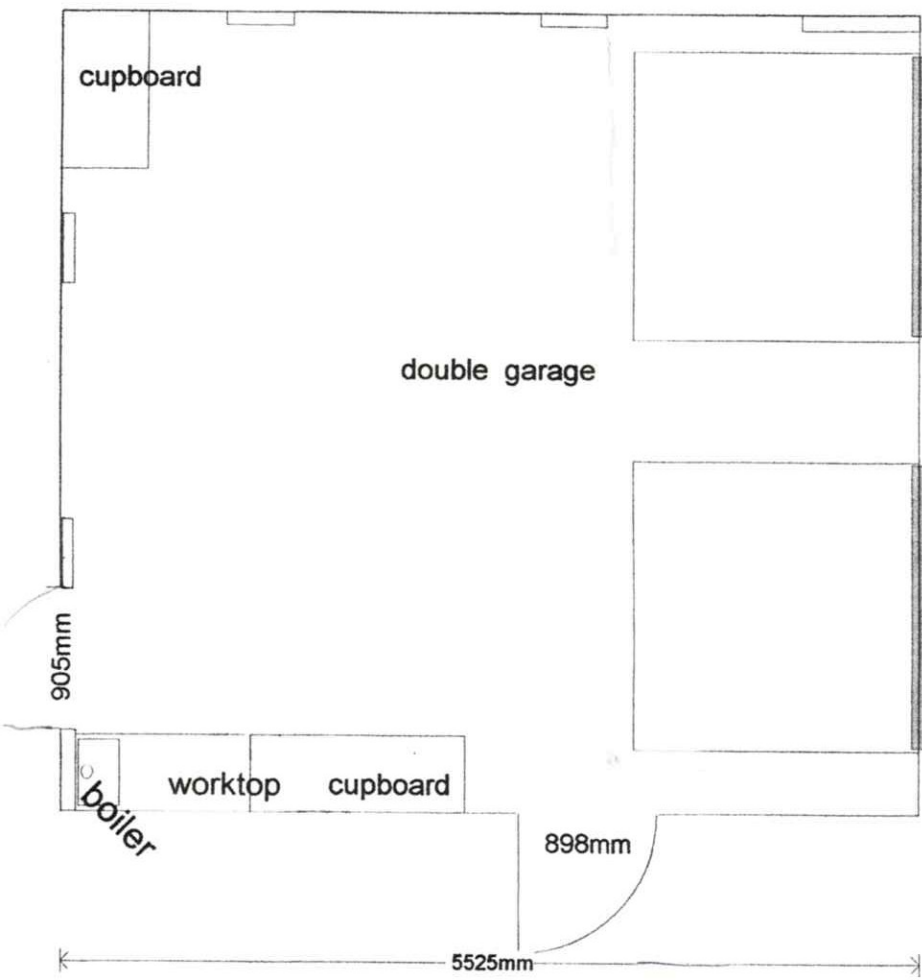
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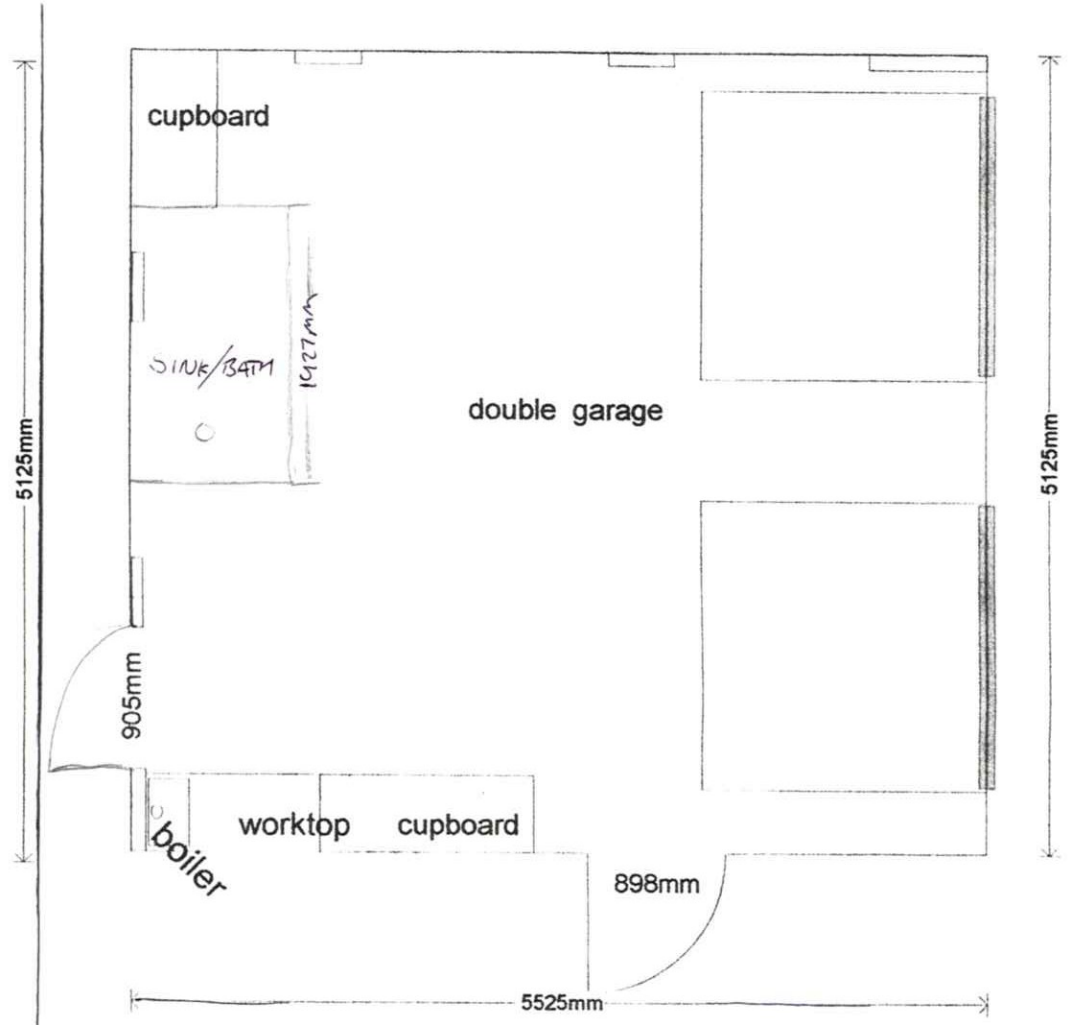
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