

CS17	(Concentration and Distribution of Development within the Urban Areas)
CS2	(Employment)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)
DM10	(Pollution)
DM13	(Car and Cycle Parking on Residential Development)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Councillor Gwen Robinson

Confirmed that the application be called to Planning Committee.

Councillor Mike Sceal

No comment

Councillor Peter Wade

No comment

Environmental Health Manager, Community Group

I have perused the enclosed plans / documentation provided by the applicant. I have no objection in principle to this application, but would ask, that if consent were to be granted on this application, that the following be conditioned:

- the hours of operation be limited to those proposed i.e. 08:30 to 18:00 Monday to Friday only;
- only one dog to be groomed to be onsite at any one time, unless two dogs from the same household are attending;
- limiting the benefit of the approval to the current applicant / occupant of the property only.

In the event of any noise complaints being received, related to this business, these will be investigated, using the Council's powers for statutory nuisance under the Environmental Protection Act 1990

Hampshire Highways

Thank you for consulting the Highway Authority on the above planning application. Due to the scale of the proposal and that there is no change to the vehicular access, HCC's standing advice should be referred to in the first instance. As a result, the Highway Authority will not provide detailed comments on this planning application. For more information on standing advice please use the following link: www.hants.gov.uk/transport/developers/consultation

6 **Community Involvement**

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 14

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 11 Objections

Concerns raised:

Impact on neighbour amenity:

- Dog barking resulting in harmful noise pollution
- Dog fouling and pollution (offsite) – **Officer comment:** It is the responsibility of the dog owners to ensure that dog fowl is to be removed/appropriately managed.

Parking and highways:

- Little on street and on site parking
- Potential blocking of emergency vehicles
- Increased parking on Lysander Way
- Waste disposal and impact including increased traffic from waste collection

Other matters:

- Proposal would be more appropriate for light industrial unit – **Officer comment:** Please see 'Principle of development' section.
- Area should be kept for residential use only
- Pressure on sewer system and waste disposal – **Officer comment:** Disposal of waste is the responsibility of the applicant, a bin area has been shown on the plans to the rear of the garage.
- Issue has been raised with regards to red site line site area being incorrect – **Officer comment:** This has been raised with the agent who has stated the red line boundary is correctly shown.
- Issue has been raised in relation to a covenant on the site which relates to restriction of business uses – **Officer comment:** A covenant is not a material planning consideration and is a separate legal matter.

7 Planning Considerations

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Impact upon the character and appearance of the area
- (iii) Impact upon residential amenity
- (iv) Parking

(i) Principle of development

The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria.

Criterion 8 of Policy CS2, encourages smarter working and the proposal for home based working complies with this. The application has however, been assessed on the basis that it should not result in unacceptable environmental, or amenity impacts which would cause nuisance to the residential locality in which it would operate. It is noted that objections raise concerns that the proposal would be better sited in an empty retail unit, however, this proposal is to be assessed on the basis it has been submitted which is for the proposed use on the site of No 9. Fabian Close on its own planning merits.

(ii) Impact upon the character and appearance of the area

7.2 This proposal comprises the change of use of the domestic garage to a dog parlour. The external alterations to the garage including the replacement of the garage door with a window and the internal alterations have been previously considered and approved under planning application reference APP/21/01193 (Permitted 24th February 2022). The alterations are considered modest and acceptable.

7.3 The proposed hours of use would be for Monday to Friday between 0830 and 1800 hours.

(iii) Impact upon residential amenity

7.4 The applicant has provided additional information stating that on average there would be 3-4 appointments per day with one client at a time, however, each client may bring up to three dogs at a given time. The applicant has confirmed it is not often that clients would bring up to 3 dogs at a time. Whilst there could be some disturbance from dogs barking it is noted that the same amount of disturbance could take place from domestically owned dogs at the property although the potential for some additional excitement/noise from the dogs is accepted. The garage is detached with access to the proposed dog parlour to be via the front access gate and outbuilding single side door located between the garage and the main house. The access route would be located away from neighbouring properties and adjacent to the highway.

- 7.5 Environmental Health have been consulted with regards to this proposal and have requested conditions relating to hours of opening, limits to dogs on site at a given time and limits to the use linking this to the owner and not to the site, meaning if the applicant were to relocate, the garage would no longer retain the use as a dog grooming parlour. These conditions are recommended. If there were to be noise issues Environmental Health have the powers to investigate this under separate legislation. A condition has also been imposed stating the applicant shall need to keep a log of appointments as evidence should there be noise pollution issues raised with Environmental Health.
- 7.6 Having regard to the Environmental Health consultation response, and the range of conditions which could be imposed on any permission, it is considered that the concerns regarding the use expressed through the objections to the application can be mitigated to an acceptable level. Consequently, it is considered that it would not be reasonable to refuse the application as, having regard to Policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011, any adverse effects of the business use on residential amenity can be appropriately addressed.

(iv) Parking

- 7.7 By the nature of the proposed use, the business would result in clients arriving at the property on foot or by car, dropping off and collecting dogs. Comments have been received which raise concerns in relation to an increase in traffic making use of the Close and potential for on street parking issues.
- 7.8 There are 3 available parking spaces at the property and the majority of dwellings in the road have provision for on site parking within their frontages. Two of the parking spaces would serve the host dwelling meeting the parking standards for a 3 bedroom property. The third space would allow for parking for clients dropping off and picking up dogs by car. It is noted that the on site parking is fairly constrained however measurements show that 3 cars could be parked on site meeting the 2.4 x 4.8 parking space standards. As the applicant has specified there would only be one client at a time, no additional on site parking allocation is deemed necessary in excess of the 3 spaces provided. As the parking allocation has been met, there should not be any on street parking resulting in congestion and therefore there should not be any impact on emergency services vehicles accessing and egressing Fabian close.
- 7.9 It is also noted that during the bulk of the opening hours the applicant's husband's car would not normally be on the drive, leaving up to 2 parking spaces available on the driveway. The Highways Officer has raised no objections given the scale of development. Conditions are imposed which stagger the appointments (helping to prevent more than one car turning up at one time) and limiting the number of appointments per day. Given the on site parking space and conditions imposed limiting the number of clients per day to a maximum of 5, the 5 extra vehicles turning into the close per day is not deemed to be of a substantial nature to worsen any existing congestion issues - some clients may also choose to walk or find alternative transport to the address. In conclusion the parking and access as proposed is considered to be acceptable in impact to the surrounding area.

8 Conclusion

- 8.1 With the relevant conditions imposed the proposal is not considered to have an adverse impact on residential amenity, in addition the proposal is not considered to result in congestion in the close as on site parking has been provided which meets the parking SPD standards. The overall impact on the locality is considered acceptable and limited and as such, the application is recommended for approval.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/21/01194

subject to the following conditions

- 1 The development must be begun not later than three years beginning with the date of this permission.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by 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 plans:

E001 Existing location and block plans
P005 Proposed plans and elevations
Additional information email uploaded on the 23.11.2021
Design and Access Statement uploaded on the 05.11.2021

Reason: To ensure provision of a satisfactory development.
- 3 There shall be no more than 5 dogs groomed per day with a minimum break of 10 minutes between appointments unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of the residential and highway amenities of the locality and having due regard to policies CS2, CS16, DM10 and DM14 of the Havant Borough Core Strategy 2011 and National Planning Policy Framework.
- 4 The use of the outbuilding for the purpose of the dog grooming business shall only operate between Monday to Friday between 0830 and 1800 hours and shall not operate on bank holidays or at any other time unless otherwise agreed in writing by the Local Planning Authority.
Reason: In the interests of the amenities of the locality and having due regard to policies CS2, CS16 and DM10 of the Havant Borough Core Strategy 2011 and National Planning Policy Framework.

- 5 No employees other than Jessica Mcknight shall be employed at the premises in connection with the business hereby approved at any time unless otherwise agreed in writing by the Local Planning Authority.
Reason: in the interests of the amenities of the locality and having due regard to policies CS2 and CS16 of the Havant Borough Core Strategy 2011 and National Planning Policy Framework.
- 6 This permission shall enure for the benefit of Ms Mcknight only whilst resident at 9 Fabian Close and the use hereby permitted shall be discontinued on the date when Ms Mcknight ceases to occupy the property.
Reason: in the interests of the amenities of the locality and having due regard to policies CS2 and CS16 of the Havant Borough Core Strategy 2011 and National Planning Policy Framework.
- 7 There shall be no more than 1 dog or up to 3 dogs if from the same household groomed at the premises at any one time unless otherwise agreed in writing by the Local Planning Authority. If there are additional dogs from the same household these are to be kept inside the grooming parlour throughout the appointment.
Reason: in the interests of the amenities of the locality and having due regard to policies CS2 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework.
- 8 Each dog grooming appointment hereby approved shall be carried out in strict accordance with the following arrangements:
- (i) A detailed register of appointments shall be kept and made available for inspection by the Local Planning Authority upon request.
Reason: To ensure that the level of business use is compatible with the residential area and neighbouring amenities having due regard to Policies CS16, DM10, DM13 and DM14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework

Appendices:

- Appendix A Location Plan
- Appendix B Existing Location & Block Plan
- Appendix C Proposed Outbuilding Use & Work Area
- Appendix D Previously Approved Elevations (APP/21/01193)
- Appendix E Front elevation photograph
- Appendix F Side elevation photograph