

Recommendation Report for Planning Permission

REF NO: BE/68/18/PL

LOCATION: 16 Elbridge Avenue
Bognor Regis
PO21 5AD

PROPOSAL: Change of use of conservatory to dog grooming business.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	- The business will operate 9am to 5pm Monday to Friday; - 4-5 dogs will be groomed per day; - There will be 15 minutes between appointments to enable dogs to be collected and prevent parking issues; - A pick up & drop off service is also offered; - One dog will be groomed at a time; - The conservatory is insulated with sound proof glass; - Dogs will be kept under control at all times; - There will be no dog boarding over night; and - There are no plans to employ additional staff.
BOUNDARY TREATMENT	Approximately 1.9m high timber fence to no. 18. Slightly lower fence (1.8m) to the adjacent parking court.
SITE CHARACTERISTICS	Three storey townhouse style end of terrace. Two off-street parking spaces within the rear parking court. On-street parking also available (no yellow lining on estate roads).
CHARACTER OF LOCALITY	Situated within a relatively recent residential estate with a mix of townhouse style terraces, detached and link detached houses. The two neighbouring properties are similar in design and layout although no. 14 is set slightly further forward and has a garage at ground floor which shares a party wall with the application building.

REPRESENTATIONS

REPRESENTATIONS RECEIVED:

Bersted Parish Council

"OBJECT for the following: -

- (1) It does not conform to Bersted Neighbourhood Plan Policy EE3, as the change of use to a commercial activity will impact on a residential area and set a precedent;
- (2) Increase in vehicle movements and parking in a residential area that already suffers from inconsiderate parking due to the developments poor design for providing adequate parking; and
- (3) Unneighbourly with noise and disturbance from the business."

One letter of objection from a neighbour raising the following issues:

- (1) The commercial activity is unsuitable in respect of amenity within a residential area;
- (2) The covenants on this property support the contention that this would be against the interests of amenity of the neighbourhood;
- (3) The business runs from Monday to Saturday;
- (4) Two car movements per booking;
- (5) The access to the rear parking court is only one car wide so not suitable for commercial traffic;
- (6) Visitors often park in places in conflict with other residents;
- (7) Noise from slamming of car doors, dogs barking and the grooming machine; and
- (8) Fumes from car engines.

COMMENTS ON REPRESENTATIONS RECEIVED:

The following comments are offered:

- Policy EE3 is not relevant as it refers to changes of use to Class B1 light industrial uses whereas dog grooming is a sui generis type use and in any case is not industrial in nature;
- Amenity issues including noise will be considered within the report conclusions section;
- It is considered that in terms of machinery, this is likely to be limited to hair dryers;
- Highway safety and parking will be considered within the report conclusions section;
- Environmental Health officers have no objection to the business operating between the hours of 9am to 5pm on Mondays to Fridays and 10am to 1pm on Saturdays; and
- It is not considered that instances of cars being left running for short periods is inappropriate in a residential environment.

CONSULTATIONS

Environmental Health
WSCC Strategic Planning

CONSULTATION RESPONSES RECEIVED:

WSCC HIGHWAYS - No objection. Comment that:

- There are no alterations to the existing access arrangements;
- Visibility at the junction onto Chichester Road roundabout is sufficient for the vehicle speeds in this location;
- The proposed parking provision (2 off-street private spaces) is anticipated to be sufficient given the nature of the business serving one client at a time;
- Any overspill parking that may occur as a result of this change of use could be accommodated on-street; and
- WSCC do not consider that this proposal would have a 'severe' impact on the operation of the Highway network, therefore is not contrary to the National Planning Policy Framework, and that there are no transport grounds to resist the proposal.

ADC ENVIRONMENTAL HEALTH - No objection. Suggest that the conditions be included to ensure that:

- To keep only 1 dog at a time in order to maintain control while the dog is in her care and this is to avoid potential noise arising from having more than 1 dog at any one time within such residential setting
- Operating times/hours to be restricted to Monday to Friday 9am-5pm, Saturday 10am-1pm

COMMENTS ON CONSULTATION RESPONSES:

Comments noted. The application form has only requested use of the business Monday to Friday 9 to 5.

POLICY CONTEXT

Designations applicable to site:

Within the Built Up Area Boundary;
No Public Sewer;
Pagham Harbour Zone B;

DEVELOPMENT PLAN POLICES

SDSP2	SD SP2 Built-up Area Boundary
SDSP1	SD SP1 Sustainable Development
QESP1	QE SP1 Quality of the Environment
QEDM1	QE DM1 Noise Pollution
QEDM3	QE DM3 Air Pollution
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

There are no relevant Bersted Neighbourhood Plan policies.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to comply with relevant Development Plan policies in that there will be no

materially adverse harm to residential amenity, the character of this residential estate or to the availability of parking spaces.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

PRINCIPLE:

The site lies within the built up area boundary where development is acceptable in principle in accordance with policy SD SP2 of the Arun Local Plan (ALP) and provided it is in accordance with other policies of the Local Plan covering such issues as residential amenity & noise and highway safety/parking.

Regard should also be had to policy SD SP1 of the ALP which states that: "When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework." It is considered that the site is in a sustainable urban location within easy walking distance of local bus stops and other residential areas such that customers would not need to travel to the site by private car if they lived nearby or had access to a bus service.

There are no policies within the Arun Local Plan or the Bersted Neighbourhood Plans which set out support for such a use. However, paragraph 81 of the National Planning Policy Framework (NPPF) states that: "Planning policies should: (d) be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances." It is considered that this guidance supports the principle of a business within someone's home.

This report will now consider the impact of the proposal on residential amenity and on the local highway.

RESIDENTIAL AMENITY:

Arun Local Plan policy D DM1 requires that the Council have regard to certain aspects when considering new development including: (3) Impact - "Have minimal impact to users and occupiers of nearby property and land. For example, by avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance." Furthermore, policy QE SP1 states that:

"The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity, the natural environment or upon leisure and recreational activities enjoyed by residents and visitors to the District."

Policy QE DM1 "Noise Pollution" simply requires that developments consider noise and if appropriate, provide an assessment of noise through the submission of a report which demonstrates that the development meets appropriate national and local standards for noise.

The proposal is to use the existing conservatory for the purposes of grooming dogs with one dog at any one time and with the use restricted to standard working hours during the working week. There will be no use during the evenings, on Saturday afternoons or Sundays/bank holidays. In addition, the applicant

has stated that only 4 or 5 dogs will be groomed during the day, dogs will be kept under control at all times, there will be no dog boarding over night and there are no plans to intensify the business with additional staff. The applicant also states that the conservatory is fitted with sound proof glass.

The Council's Environmental Health officers have assessed the application and raise no objections. They consider that as long as conditions are imposed to limit the number of dogs and to limit the opening hours then there will no harm to the amenity of nearby residential properties from noise. It is therefore considered that the proposal is acceptable and complies with the relevant development plan policies.

HIGHWAY SAFETY & PARKING:

Arun Local Plan policy T SP1 seeks to ensure that development: provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport, including the use of low emission fuels, public transport improvements and the cycle, pedestrian and bridleway network. In respect of parking, policy T SP1 states that:

"The Council will support transport and development which: incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking"

In addition, policy T DM1 requires that new development be located within easy access of established non-car transport modes/routes and also seek to contribute to the improvement of such routes & facilities.

Paragraph 108 of the NPPF states that: "In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Regard should also be had to paragraph 109 which states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

WSCC Highways have assessed this application and consider that there are no grounds to raise an objection on the matters of highway safety or parking. The existing dwelling benefits from 2 off-street private parking spaces and one of these would be available for customers dropping off or collecting their dogs. The applicant has stated that 15 minute windows would be left free between appointments to reduce the likelihood of two customers being at the site at the same time. The applicant also proposes to offer a collection/drop off service so that customers do not need to travel to the site;

If both spaces were to be occupied at the same time then it is considered that it would be possible to park on the estate roads for short periods without causing harm to highway safety or to local amenity. It is also considered that customers would not need to travel to the site by private car if they lived within walking distance of the site or had access to a bus service.

SUMMARY:

The proposal is considered to comply with all of the relevant the Arun Local Plan policies and it is not considered that any part of the proposal will result in harm that would be unacceptable in this residential environment. On this basis, it recommended that the application be approved subject to the following conditions.

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

APPROVE CONDITIONALLY

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The use hereby approved shall be carried out in accordance with the following approved plans and documents:

- The OS Planning Maps Location Plan at 1:1250 scale;
- The OS Planning Maps Location Plan at 1:200 scale annotated to show the conservatory on the rear of the house;
- The hand drawn, annotated block/floor plan of the existing conservatory being the area of the house to be used for dog grooming; and
- The supporting statement submitted as part of the application form which sets out how the dog grooming service will operate.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies QE SP1, QE DM1 and T SP1 of the Arun Local Plan.

- 3 There shall be no more than one dog which has been booked in for a grooming session within the conservatory at any one time

Reason: To maintain control of dogs on the premises and to ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties in accordance with Arun Local Plan policies QE SP1 and QE DM1.

- 4 No part of the property shall be used for commercial dog grooming except between the hours of 9am to 5pm on Mondays to Fridays. The commercial dog grooming use shall not take place outside of those times.

Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties in accordance with Arun Local Plan policies QE SP1 and QE DM1.

- 5 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.