

**Application Ref:** 15/01688/WCPP

**Proposal:** Removal of condition C1 (Permitted Use) of Planning Permission 14/02238/WCPP - (Change of use for dog grooming business)

**Site:** 38 Peterborough Road, Eye, Peterborough, PE6 7YB

**Applicant:** Mr D Gilbey  
**Agent:** Mr John Dadge, Barker Storey Matthews

**Referred by:** Director of Growth and Regeneration  
**Reason:** To allow for open and transparent decision-making in light of conflicting evidence

**Site visit:** 4.01.2016

**Case officer:** Mr N Harding  
**Telephone No.** 01733 453410  
**E-Mail:** nicholas.harding@peterborough.gov.uk

**Recommendation:** **GRANT** subject to relevant conditions

## 1 **Description of the site and surroundings and Summary of the proposal**

### **Site and Surroundings**

The application site comprises a two storey detached residential dwelling located on the western side of Peterborough Road. The site is accessed from the public highway by a shared driveway which serves three dwellings, the application site being the central dwelling. There is an area of private hardstanding to the front of the site which provides parking for 4 vehicles along with a further parking space within an attached single storey single garage. To the rear of the site is an existing detached 'summer house' which was originally built for purposes incidental to the enjoyment of the dwellinghouse (thereby not requiring planning permission).

### **Proposal**

The application seeks planning permission to remove condition C1 of planning permission reference 14/02238/WCPP. This parent planning permission was granted in December 2014 and itself varied a condition relating to the hours of use of an earlier planning permission, reference 14/01830/FUL. The original permission granted consent for the use of the detached 'summer house' as a dog grooming business retrospectively.

Condition C1 of planning permission reference 14/02238/WCPP states:

*The use hereby permitted shall be discontinued and the building reverted back to use only for purposes incidental to the enjoyment of the dwellinghouse known as No.38 Peterborough Road, Eye on or before 24 December 2017.*

*Reason: In order for the Local Planning Authority to ensure that the use does not, over time, give rise to unacceptable disturbance to neighbouring occupants, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).*

The removal of this condition, as proposed by the current application, would grant planning permission on a permanent basis.

## **2 Planning History**

<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
14/01830/FUL	Change of use for dog grooming business - Retrospective	Permitted	17/12/2014
14/02238/WCPP	Variation of condition C4 (Hours of operation) of Planning Permission 14/01830/FUL (Change of use for dog grooming business - Retrospective)	Permitted	13/02/2015

## **3 Planning Policy**

Decisions must be taken in accordance with the development plan policies below, unless material considerations indicate otherwise.

### **National Planning Policy Framework (2012)**

#### **Section 11 - Noise**

New development giving rise to unacceptable adverse noise impacts should be resisted; development should mitigate and reduce to a minimum other adverse impacts on health and quality of life arising. Development often creates some noise and existing businesses wanting to expand should not be unreasonably restricted because of changes in nearby land uses.

### **Peterborough Core Strategy DPD (2011)**

#### **CS14 - Transport**

Promotes a reduction in the need to travel, sustainable transport, the Council's UK Environment Capital aspirations and development which would improve the quality of environments for residents.

#### **CS16 - Urban Design and the Public Realm**

Design should be of high quality, appropriate to the site and area, improve the public realm, address vulnerability to crime, be accessible to all users and not result in any unacceptable impact upon the amenities of neighbouring residents.

### **Peterborough Planning Policies DPD (2012)**

#### **PP03 - Impacts of New Development**

Permission will not be granted for development which would result in an unacceptable loss of privacy, public and/or private green space or natural daylight; be overbearing or cause noise or other disturbance, odour or other pollution; fail to minimise opportunities for crime and disorder.

#### **PP12 - The Transport Implications of Development**

Permission will only be granted if appropriate provision has been made for safe access by all user groups and there would not be any unacceptable impact on the transportation network including highway safety.

#### **PP13 - Parking Standards**

Permission will only be granted if appropriate parking provision for all modes of transport is made in accordance with standards.

## **4 Consultations/Representations**

### **PCC Transport & Engineering Services (29.10.15)**

No objections.

## Local Residents/Interested Parties

Initial consultations: 4

Total number of responses: 1

Total number of objections: 1

Total number in support: 0

One objection has been received from an immediately adjoining neighbour on the following grounds:

- We object to the application first and foremost due to the complete invasion of our privacy and utter lack of respect for our personal lives that the dog grooming business has caused. We moved into our detached house in 2003 with a garden to enjoy in quiet residential area. It never occurred to us that this would be disrupted in years to come by our neighbours setting up a dog grooming parlour.
- Retrospective planning permission was granted on a temporary basis until December 2016 along with various conditions the business had to adhere to. We firmly believe they haven't been doing so as follows:
  - Condition C6 - Large vehicles such as 4 x 4s often overhang onto the tarmac (no parking zone) from the allocated parking spaces and vehicles have been parked up on the grass verge. My daughter recently had difficulty reversing back off our drive due to poor parking of one of the customers onto the tarmac area. This has occurred on many occasions.
  - Condition C3 - There have been occasions where more than 2 dogs have been present at the premises and have noted a customer leaving together with 3 white Scottie dogs.
  - Condition C4 - There have been occasions when one customer has left the premises whilst another was waiting outside. There is meant to be a 15 minute wait between each customer and grooming appointment.
  - Condition C5 - All doors/windows are to be shut at all times to the grooming parlour whilst machinery is being operated. This is not the case and a small window to the side of the door is normally open most of the time. In the height of summer the doors to the premises have been open, possibly due to working in a confined wooden structure where ventilation is limited. However machinery then being operated can be heard.
- I firmly believe that temporary planning permission should remain until December 2016 until the above can be proven to be adhered to. Or alternatively, cease trading from this address and seek more suitable premises to work from.

For reference, a copy of the decision notice (and conditions attached thereto) is provided at Appendix A of this report.

## 5 Assessment of the planning issues

The main considerations are:

- Impact upon neighbour amenity
- Parking and highway implications

### a) Impact upon neighbour amenity

The use is undertaken within a detached wooden garden building located to the rear of the host property, in close proximity to the shared boundaries with neighbouring dwellings. This building has been internally insulated and the windows/door installed are double glazed. To access the building, customers enter through the gate located to the side of the dwelling which is adjacent to No.40 Peterborough Road. The parent planning permission is also subject to restrictions in terms of the hours of use, and therefore the dog grooming business can only be operated between the hours of 09.00 to 17.30 Monday to Friday, 09.00 to 15.30 on Saturdays and not at any time on Sundays or Public Holidays. There is also a restriction which restricts the grooming to no more than 2 dogs at any one time, with a gap of 15 minutes between customers to ensure that there is no crossover.

With regards to the grooming, the applicant operates electric clippers and a dryer. The Officer

has previously visited the site and experienced the noise levels from this equipment first-hand (the assessment undertaken adjacent to the shared boundary of the site with No.36 Peterborough Road and with the windows/doors of the grooming shed both open and closed). It is considered that this equipment does not significantly exceed background noise levels and, particularly with the windows/doors shut, the noise is imperceptible. Accordingly, it was felt that the use of this machinery did not represent an unacceptable impact to the amenities of neighbouring occupants subject to a condition being imposed requiring the windows/doors to be shut whilst the equipment is in use, be retained.

It is acknowledged that the running of any business from the rear garden of a property brings about an intensification of the use of the site (above and beyond normal residential use). Furthermore, customers accessing through the side gate and into the rear garden does create some level of noise and general disturbance, particularly given that the use intended is for dog grooming and this can give rise to dogs barking.

To fully assess the use in terms of the impact to neighbour amenity, and to ensure that the Applicant adhered to the restrictive conditions imposed, Officers originally granted the planning permission on a temporary basis to December 2017. The time period was set to also allow the business to become commercially established and a short time period may have prevented this. This would have meant that the use (taking into account the 18 months of unauthorised use) was in operation for 4 and a half years, 3 of which were subject to the restrictions imposed upon the planning permission. Whilst the Council has not received any complaints regarding the use (except in relation to the disposal of waste from the premises which has been resolved through the employment of a commercial waste collector) during the period since planning permission was granted, it is noted that one of the immediately adjoining occupants has objected to this application, stating that the other restrictive conditions imposed upon the use have not been adhered to.

Whilst the request to make the permission permanent has been submitted early within the permitted temporary period, in the absence of any reports of non-compliance with the conditions prior to the submission of this current application, it is considered that the granting of a permanent planning permission subject to all other restrictive conditions would not result in an unacceptable level of harm to the amenities of neighbouring occupants and as such, the proposal is in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

#### **b) Parking and highway implications**

Within the application site, there are 4 no. parking spaces located within the curtilage of the site, accessed via a shared driveway off Peterborough Road. In accordance with adopted parking standards, there is adequate parking provision to meet the needs of both the residential dwellinghouse and the proposed use, providing that no more than one customer visits the site at any one time. This has been secured by a condition which requires a 15 minute gap between customers to ensure that there is no crossover.

It is noted that the objection received has raised concerns with regards to the blocking of accesses and inappropriate parking on the shared driveway. These are noted however given that there is adequate space on the site for the parking and turning of vehicles, the Local Planning Authority could not sustain a reason for refusal on this basis.

In light of the above, adequate parking provision is provided for the use and a permanent planning permission would not result in an unacceptable risk to highway safety, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policies PP12 and PP13 of the Peterborough Planning Policies DPD (2012).

## **6 Conclusions**

Subject to the imposition of the attached conditions, the proposal is acceptable having been

assessed in the light of all material considerations, including weighing against relevant policies of the development plan and specifically:

- the granting of a permanent planning permission subject to all other restrictive conditions would not result in an unacceptable level of harm to the amenities of neighbouring occupants and as such, the proposal is in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012); and
- adequate parking provision is provided for the use and a permanent planning permission would not result in an unacceptable risk to highway safety, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policies PP12 and PP13 of the Peterborough Planning Policies DPD (2012).

## **7 Recommendation**

The Director of Growth and Regeneration recommends that Amendment to an existing Planning Permission is **GRANTED** subject to the following conditions:

- C 1 The dog grooming use hereby permitted shall only be carried out within the detached 'Summer House' as shown on the submitted 'Site Layout' drawing and shall only be operated by persons residing within the dwellinghouse known as No.38 Peterborough Road, Eye.

Reason: The use as a dog grooming business is not acceptable as a separate planning unit, in accordance with Policies CS14 and CS16 of the Peterborough Core Strategy DPD (2011) and Policies PP3 and PP12 of the Peterborough Planning Policies DPD (2012).

- C 2 With regard to the dog grooming business use, no more than two dogs shall be present on the site at any one time.

Reason: To prevent unacceptable noise and disturbance to neighbouring occupants and in the interests of highway safety, in accordance with Policies CS14 and CS16 of the Peterborough Core Strategy DPD (2011) and Policies PP3 and PP12 of the Peterborough Planning Policies DPD (2012).

- C 3 The dog grooming use hereby permitted shall not be operated outside the hours of 09.00 to 17.30 Monday to Friday, 09.00 to 15.30 on Saturdays and shall not be operated at any time on Sundays or Public Holidays. In addition, a 15 minute break between customers shall be observed.

Reason: To protect the amenities of neighbouring occupants and to ensure that there is no parking conflict, in accordance with Policies CS14 and CS16 of the Peterborough Core Strategy DPD (2011) and Policies PP3 and PP12 of the Peterborough Planning Policies DPD (2012).

- C 4 All windows and doors to the exterior of the building shall be closed at all times whilst the dog grooming machinery is being operated.

Reason: In order to preserve the amenities of neighbouring occupants, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

C 5 The parking spaces shown on the submitted 'Site Layout' drawing shall be retained for no other purpose than the parking of vehicles in connection with the use of the dwelling and dog grooming business until 24 December 2017.

Reason: In the interests of highway safety, in accordance with Policy CS14 of the Peterborough Core Strategy DPD (2011) and Policies PP12 and PP13 of the Peterborough Planning Policies DPD (2012).

Copies to: Councillors Sanders and Brown