

DECISION DELEGATED TO HEAD OF PLANNING

Application No:	H13-0880-21	Applicant:	Mrs L Cooper
Proposal:	Change of use of residential outbuilding from Residential (C3) to dog grooming business (Sui Generis)		
Location:	21 Cekhira Avenue Moulton Chapel Spalding		
Terminal Date:	29th October 2021		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development
30	Pollution
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

Section 12. Achieving well-designed places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	1	1
RESIDENTS	1	1	0	0

CASE OFFICER ASSESSMENT

Proposal

This is an application seeking planning permission to change of use of a residential outbuilding from Residential (C3) to a dog grooming business (Sui Generis). The business is proposed to be operated by the occupants of 21 Cekhira Avenue between the hours of 08.00h to 18.30h from Monday to Friday and 10.00h to 18.00h on Saturday, Sunday and bank holidays. It would be operated on an appointment only, one in, one out basis.

Site Description

The application site is within the rear garden of a two storey semi-detached dwelling located on Cekhira Avenue in Moulton Chapel. The site backs onto open countryside. The immediate area is characterised by semi-detached residential dwelling. There is a shared parking court to the south-west of the site.

History

No relevant planning history.

Consultation Responses

LCC - County Highways & SUDS Officer

Does not wish to restrict the grant of permission.

Environmental Protection

No objections.

Members of the public

One letter of support has been received.

One objection has been received siting the following concerns:

- Siting of the outbuilding close to the adjacent neighbour
- Existing access issues in the street due to the width of the road
- Parking issues
- Noise from dogs
- The proposal will affect value of other properties in the area
- Concerns of further business expansion

Planning Considerations

Principle of development and impact on character of the area

There are no local and national policies that specifically address relatively small businesses that operate inside or on the curtilage of a residential property. However, the level of activity associated with the proposed business is considered to be acceptable as it would not generate an excessive amount of traffic or noise and would be considered ancillary to the main residential use of the site.

No alterations are proposed to the site to accommodate the new business as it would be operated from within the exiting outbuilding on the site. As such the business is not considered to materially impact the character of the dwelling, outbuilding or the surrounding area.

Impact on neighbouring amenity

A neighbour has raised concerns that the outbuilding is located close to the neighbour's boundary. The concerns are noted, however, the outbuilding is existing and the only consideration is its change of use to accommodate the proposed dog grooming business.

Concerns have also been raised with regards to potential noise from dogs. It is accepted that there

may be some noise generated from the business, however, given the business would operate on a one in, one out basis, there is likely to be only one additional dog on the site at any given time. This is considered to be adequate for a residential property and not considerably different to having a domestic pet. In addition, the proposed operating hours are considered suitable for a residential area.

In addition, Environmental Health was consulted and has not raised any objections with regards to noise or odours associated with the proposed business.

As such it is not considered that the proposed scheme would unacceptably impact neighbouring amenity.

Parking/Highway implications

A neighbour has raised concerns with regards to whether the existing access road and parking arrangements are adequate to accommodate the additional traffic which would be generated from the proposed business. The concerns are noted, however, it is not considered that the business would generate an excessive amount of traffic given the proposal is to operate the business on an appointment only basis with appointments spaced out to ensure there is only one customer at the property at any given time.

The Local Highway Authority initially requested further information with regards to how the business would be operated in terms of number of customers and operating hours etc. Following the receipt of these details the Local Highway Authority was reconsulted and no further objection have been raised.

As such the proposed scheme is not considered to result in any unacceptable impact on highway safety/parking.

Other matters

A neighbour has raised concerns that the proposed development would affect the value of other properties in the area. The concerns are noted, however, unfortunately this is not a material planning consideration therefore the scheme could not reasonably be resisted on this basis.

Concerns have been raised by a neighbour that the proposed business maybe be expanded further in the future. The concerns are noted, however, conditions have been attached to the planning permission to restricting the operating hours, number of employees and operating the business on an appointment only basis in order to control the use of the site. As such any further expansion would require planning consent.

Planning Balance

The intended hours of opening and booking system is acceptable as the level of activity from the proposed business is considered to be within acceptable tolerances, not resulting in any adverse impact upon neighbouring amenity in terms of noise and disturbance or highway safety/parking implications.

Conclusion

Taking into account the considerations above, the proposed development is considered to comply with Policies 2, 3, 30 and 36 of the South East Lincolnshire Local Plan (SELLP), 2019 as well as Paragraphs 130 of the National Planning Policy Framework (NPPF), 2021.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

- A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- B. Advance equality of opportunity between people who share a protected characteristic and those

who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority 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 South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, 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 public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

RECOMMENDATION

The application is approved under delegated powers.