

Item 4a **13/00890/FUL**

Case Officer **Mrs Nicola Hopkins**

Ward **Eccleston And Mawdesley**

Proposal **Retrospective application for the erection of wooden garden shed for dog grooming use.**

Location **78 Doctors Lane Eccleston Chorley PR7 5QZ**

Applicant **Miss Katie Heap**

Consultation expiry: 24 January 2014

Application expiry: 26 November 2013

Proposal

1. Retrospective application for the erection of wooden garden shed for dog grooming use.
2. As part of the application the applicant has commissioned two noise surveys the details of which can be viewed in paragraphs 35 to 60. The conclusion of the most recent noise assessment is that *the noise impact of dog grooming operations is acceptable without modification, even were there to be eight dogs groomed on site, and therefore the noise impact should not bar the grant of planning consent for the development.*

Recommendation

3. It is recommended that this application is granted full conditional planning approval.

Main Issues

4. The main issues for consideration in respect of this planning application are:
 - Principle of the development;
 - Design and impact on the streetscene;
 - Impact on the neighbour amenity;
 - Impact on highways/access.

Representations

5. **5 letters of objection** have been received concerning this application. The comments received can be summarised as follows:
 - Loss of privacy.
 - Noise and disturbance from customers, animals and the equipment (in particular the power wash and dryer)
 - Inappropriate development- unsuited for commercial use.
 - What happens to waste water and possibly dog dirt?
 - Issues with car parking for customers.
 - Miss Heap has reverted to using the higher setting irrespective of the advice from her noise consultant and the distress and nuisance that this is continuing to cause.
 - The dog grooming continued as normal throughout the 2 - 3 weeks that Miss Heap was on holiday.
 - Restricting use of private gardens due to noise created.
 - The applicant and her employee wear ear protection which indicates the level of noise creation.
 - The internet confirms that the applicant has in excess of 8 dogs per day rising to thirteen on busy periods.
 - This is a very established business which was located in Grove Mill
 - The planning application includes the provision of hours of 48 hours a week over six days with an employee which does not live at the property.

- The shed is in close proximity to residential properties- a similar application was refused in Derby
- Possible fire risk
- Lack of information in respect of:
 - Trade effluent
 - Industrial/ commercial processes and machinery
 - Plans represent a false representation of the size and location of the shed.

6. Following the receipt of the second noise assessment the following comments have been received (a response to which is included after each point made):

- There is nothing in the updated report that would justify why the previous recommendation to not use the dryer on the higher setting should no longer be deemed valid. It can only be assumed that the recommendation was made having regard to all the surrounding properties.

The Environmental Consultants have confirmed that in respect of the low/high dryer setting: *Clearly when preparing the first report, I had no measurements made on the main complainant's property, so I had to proceed cautiously. In originally recommending that the drier should not be used on high, it wasn't that the noise was clearly unacceptable with the drier on high, it was that I was unable to demonstrate that it would be acceptable and hence did not feel able to recommend its use.*

- Mr Kenyon's report does not reflect the proposed opening hours within the application. Section 3.0 of his report clearly states that how often the noise occurs will have a bearing on the impact of the noise.

In respect of the 3/6 working day issue the Environmental Consultants have confirmed that: I confirm that the conclusions to the report would not be materially altered if the business were to operate Monday to Saturday six days week.

- Observations show that dogs can be groomed within a time period of less than 40 minutes which could potentially result in up to 12 dogs per day being groomed, therefore, based on the planning application this could result in 72 dogs per week being groomed.

The number of dogs on site could be restricted by condition along with a restriction on the operating hours.

- Character of the noise is a factor that has a bearing on the impact of the noise but the updated report still fails to address this aspect of the nuisance. The high pitched noise from an electrical motor is recognised as one of the most annoying sounds.

The character of a noise does have a bearing in terms of statutory nuisance, however, again without going through the nuisance procedure, it's difficult to assess.

- The report fails to properly identify the make and model of the dryer.

The applicant has employed a professional acoustic consultant to measure the noise levels from the actual equipment on site and as such the model numbers are not relevant.

- There are now two dryers available to use. The report (Section 5.0) acknowledges that the noise from the grooming operations was audible.

From a statutory nuisance/environmental health point of view, Environmental Health wouldn't be looking for noise from the business to be inaudible at nearby properties only that it doesn't cause a statutory nuisance to them. Inaudibility isn't the standard that we would be looking for. The Council's Environmental Health Officer has visited the site and was doubtful as to whether the noise would be sufficient to be a statutory nuisance.

- Background noise levels- cannot understand the increase from 49.5 to 62 in the figures quoted- there would have to be a 125% increase in the perceived sound during the period when the second test was being carried out compared to when the first test was undertaken. Also the two tests overlap by some thirteen minutes.

The Environmental Consultants have confirmed that Increase in "Background" Noise Levels - the unit used to represent background noise is the L90, it can be seen that the L90s are very similar. The reason for the higher Leq in Table 1, which has not been used in the analysis, was during the second measurement period, the loud sound source was being used. For the avoidance of any doubt whilst the sound source affected the Leq readings in Table 1 they would not have affected the L90 readings [it was not "on" for 90% of the period. Consequently there is no significance in terms of the analysis in the different Leq levels.

The Environmental Consultants have confirmed that Alleged Overlap - the left hand most column is clearly headed "End Date & time", i.e. the first measurement period ended after a duration of an hour at 10:47:28; the second reported measurement period ended at 11:34:59 after 46 minutes and 23 seconds duration, i.e. the second period began at 10:48:36 hrs. There was no overlap.

- The readings taken inside the neighbour's house are unrealistic in respect of the open doors and windows particularly in the summer months.

The Council's Environmental Health Officer has confirmed that it is fair to assume that if a person is standing at a kitchen sink that they will be washing up or preparing food etc. whereas the island in the kitchen may be used for leisure. Similarly a four inch gap is a reasonable average for an open window.

- The assessment was carried out whilst the equipment was not actually being used for grooming.

The Council's Environmental Health Officer has advised that Members may wish to visit the site to consider the impact of the proposals.

7. The contents of the noise assessment are considered within the assessment section below.

8. Following the receipt of the second noise assessment the following concerns have been raised, these are similar to those set out and responded to above:

- After the second noise assessment the noise levels rose back again to the original level which are clearly audible.
- No readings were taken at the other neighbouring properties
- Predicted noise levels are not acceptable in an engineering environment.
- There appears to be some discrepancy when the second report, 'side yard predicted readings at no. 2 Banner Close- a 'Waney Lap' 6mm wooden fence, as is situated between the two properties, will offer little noise suppression qualities and could, in fact, magnify the noise and the level of insulation of the shed and materials used is not reported.
- There clearly appears to be a problem with the drier(s) noise levels when run on the 'High' setting.
- If this application is approved, what safeguards will be put in place to control the size of the business and any extension of working hours

Consultations

9. Ecclestone Parish Council – no comments to make.

10. Lancashire County Council Highways – raise no objection to the development.

11. **Lancashire County Council Fire and Rescue** – raise no objection to the development.
12. **CBC Environmental Health** – advise that on the 10th May 2013, a complaint was received from a neighbour concerning noise from the use of a hairdryer at the property which resulted in general information on statutory nuisance and associated noise legislation being sent to the complainant. On the 15th May, the Council was advised that the complainant wanted to close their complaint whilst they pursued the issue from a planning perspective. To date, no further complaints have been received.
13. It is considered that given the limited complaint history at this site, the current lack of evidence to support a statutory nuisance allegation and given the small scale of the operation, CBC Environmental Health raise no objection to the principle of the development. However, as the property is in close proximity to other residential properties the scheme should be restricted in terms of hours of operation.
14. The applicant has commissioned 2 noise surveys in respect of the proposals which the Environmental Health Officer has commented on this is addressed further within the body of the report.
15. **After visiting the site the Environmental Health Officer** considers that given the lack of complaint history and problems in using BS4142 to assess the complaint he feels that the most appropriate assessment in this case may be a visit by members, if members are willing.
16. **United Utilities** have no objection to the proposals
17. **The Council's Building Control Section** have confirmed that this building is exempt from building regulations due to the size of the building (less than 15m²).

Applicants Case

18. The applicant has submitted the following points in support of her proposals and following the comments raised by the neighbours:
 - Our aim throughout has been to secure the future of Pawsers as a means of providing a beneficial service for our customers, whilst at the same time generating a satisfactory income.
 - Up until January, 2013 'Pawsers Ltd', Dog Grooming had been registered as Limited Company, with Katie Heap as sole director; the company had been operating since 2006. In January 2013 we ceased trading as a registered Ltd company, and I became a self-employed Dog Groomer with Emily employed as my co-worker.
 - All previous advertising and web-site details, together with information that had been published in respect of 'Pawsers Ltd' became non-applicable and obsolete at this time.
 - Our customers say that the dogs always seem to look forward to and enjoy their visits to Pawser's! Animal protestations are very few and far between. Quiet soothing music seems to aid the dog's relaxation.
 - Previously, up until December 2012, our Dog Grooming establishment was located at the 'Bye-Gone Times' complex in Eccleston.
 - During 2012 our business came under an ever increasing financial threat. Even though our level of activity remained reasonably constant, we found that with the prevailing period of economic recession it became ever more difficult to keep our Income & Expenditure accounts under control and in balance. Our fixed costs had been increasing regularly. Also, being sympathetic to the fact that our customers were being subjected to the same financial constraints, we were reluctant to increase the prices for our service to the dog's owners.
 - Our costs relating to electric power, telephone, and the rental charge for the property were the three major sources of the overall cost increases during 2012;
 - Without taking immediate and appropriate action, even with all the inevitable disruption that this would cause, we were likely to find ourselves swelling the numbers of the 'unemployed'.
 - The re-location of our Dog Grooming operation to other premises at a lower rental charge would alleviate the major part of the problems we were facing.

- A precedent already existed in that two businesses already operated from sites on Doctors Lane (one operation at 80 Doctors Lane, since 2003 and the second, Messrs Chambers Motor Sales at 66 Doctors Lane). Our hope was to similarly re-locate Pawzers, with a planned lower level of activity, (say, at only 3 days per week), and operating in a discreet manner with little or no visible evidence of our presence in a well-designed alternative 'Garden Shed.'
- We realised that great care would be needed in the design and the location of the 'Shed' and the working layout within it. The Customer access route to the 'Shed' (pedestrian and vehicular) needed to be such, that any inconvenience was eliminated, or at least minimised. Our intention was to operate with no visible change to the external appearance or structure of our property.
- We immediately contacted Chorley Planning Authority, to discuss with the Planning Officer, the principal elements of our plan. The general consensus of our meetings and the outcome of our discussions with the Planning Office was that, "since there would be no change in the structure, and the appearance of our property would not be altered, then Planning Permission would not be required". Also, the fact that we were most conscious of our responsibility as "good neighbours" then "no problems were envisaged" at all.
- I am now a self-employed Dog Groomer, a member of Pawzers staff, working with a fully trained assistant.
- We have NO INTENTION WHATSOEVER to alter this legal status nor to increase or extend our levels of activity. We would be happy for our existing pattern of work levels to be a condition to endorse the granting of Planning Permission.
- The 'Shed' is bespoke and built to very high standards and appearance. It is insulated throughout (thermal & sound) with non-inflammable material and does not present a fire hazard.
- Ground works and drainage, with water supply to and from the 'Shed' have been completed to full required specification. The 'Shed' is supplied with mains electricity with isolation switch gear and with certified distribution.
- All our business grooming activities are managed and organised by telephone. Grooming appointments are arranged by phone; not only by date and breed of dog, and type of grooming requested; but, also the precise timing of the appointment is most vital. Thus eliminating the possibility of queuing outside our property. Customer arrival at our premises is indicated by the press-button activated combined bell/light in the 'Shed'.
- Staffing levels: Myself and Emily. Emily works three days each week for Pawzers. (Wednesday, Thursday, Saturday). With a current average of about 15 dogs per week being brought for grooming.
- The normal 'Pawzers' working day begins with the first appointment at 8.30 am with the final appointment leaving no later than 4.30 pm.
- Dogs are brought by their owners, some by car, but a large number of local neighbourhood dogs, regular clients, are walked to us by their owners, both the dogs and their owners gain a therapeutic benefit from this type of routine exercise.
- The grooming equipment located and used in the 'Shed' is composed of one electrically powered bath and dryer with external ventilation ; electric hand operated trimmers and a grooming table. The single window is double glazed. There is no capacity for additional work stations or equipment within the 'Shed'.
- The special professionally designed animal bath incorporates a double-filter drain, ensuring that no foreign material, hair or other debris, passes into the mains drainage system. Using this system blockages do not occur.
The dogs are bathed and subsequently dried, using towel and hand held hot air blower. The usual total time required to dry a dog is 10 minutes maximum, when using this method.
- The dog is then manually groomed on the grooming table using electric trimmer and scissors.
- The full grooming cycle for each dog is completed within 1 ¼ hours.
- Grooming appointments are made at 1 ½ hour intervals.
- As stated previously, and also confirmed by the complainant within his programme of scrutiny and surveillance:
 - over a summer period of 42 days (6 weeks) - 96 dogs were brought to the property for grooming.

- 6 weeks - (42 calendar days) represents - 3 weeks @ 3 days work each week = 9 days
- And - 3 weeks @ 4 days work each week = 12 days
- A total of 21 working days – Wednesday, Thursday & Saturday
- During the 42 day period the complainant observed that 96 dogs over 21 working days were presented for grooming. (The actual number of dogs which were groomed was 95.); this represents an average number of 4.57 (4.52) dogs per working day.
- As the complainant himself, observed and has therefore confirmed, a full working day, beginning at 8.30 am. Will involve 4.52 dogs at 1 ½ hours each appointment = 7 hours + 1 hour lunch = 8 hours. Therefore, the last dog each day goes home between 4.00 pm and 4.30 pm at the latest.
- We have no intention to maximise, or even increase, our activity above this current level, now or at in any time in the future. This is the level of operation that we have planned for and achieved consistently over these last 11 months.
- My physical limitations restrict my levels of stamina and physical capability. i.e. my impaired hearing, which has needed previous surgery, hence our particular use of ear defenders; and previous general limitations which leave me unable to sustain a heavier workload.
- On two occasions, Mr M Kenyon, the Sound Consultant from Martec Environmental Consultants has measured the sound coming from the drier, and found it to be insignificant, i.e. no more than ' the level of domestic conversation.'
- His second report, re: sound levels recorded in Mr Linley's home and garden. Mr Linley showed unwillingness to admit the Sound engineer onto his property after advice from the Council on the occasion of his first visit. This non-cooperation necessitated a second visit by the sound consultant, (with a further fee of £420.00) now costing, in total, £840.00.
- An Audio Recording, made by the complainant, Mr David Linley, has been submitted. I would like to proffer three lines of rebuttal relating to this recording
 - I. It's acceptance as being good and truthful evidence.
 - II. It's authenticity.
 - III. If this kind of unauthenticated evidence is deemed to be acceptable?
- We have never, ever had occasion to deal with dog fouling in our garden area or within our workroom. Owners are accustomed to their animals' behaviour patterns and daily routines. Our rear garden is a play area for our son and our major concern is for his physical and health welfare.
- In respect of waste disposal re: hair/fur and cleanliness of the site. All waste produced through our grooming procedures are bagged and sealed, and taken off-site to a private skip facility on a regular, if not daily, basis
- Customers bringing their dog by car drop off their pet by the side access gate and ring the bell for attention. The dog is taken immediately to the rear garden area and the owner drives away. Car parking does not occur. This procedure is repeated when collecting the dog 11/2 later.
- The shampoo used is a special bio-degradable 'leave-in' shampoo. The shampoo is not rinsed, and so does not enter the drainage system.
- We agree that the dog 'hand-over' takes place next to the boundary fence between 78 and 76 Doctors Lane. We have volunteered to erect fence panels, at our own expense, in order to eradicate any intrusion of privacy.

Assessment

Principle of the development

19. With regard to status of the emerging Local Plan (2012-2026), it is relevant to note on 25th October, the Inspector issued her Partial Report on her findings into the soundness of the Chorley Local Plan which is a material consideration in the consideration of any planning application.
20. In summary, the plan is considered to be legally compliant. In relation to soundness, the plan is considered sound, with the exception of matters relating to Gypsies & Travellers. The examination of the local plan remains open, and the Inspector will reconvene the examination in April 2014 to consider Gypsy & Traveller Matters, which would enable adoption of the local plan by September 2014, following a supplementary report.

21. Paragraph 18 of the Partial Report states: *“For the avoidance of doubt, the Plan may not be adopted until it has been changed in accordance with all of the main modifications set out in the Appendix to this partial report and any which may be specified in the Appendix of my forthcoming supplementary report. However, because of the very advanced stage in the examination process that the main modifications set out in the attached Appendix have reached, significant weight should be attached to all policies and proposals of the Plan that are amended accordingly, where necessary, except for matters relating to Gypsies and Travellers.”*
22. It is therefore considered significant weight can be given to the policies and proposals of the emerging Local Plan, as amended by the main modifications.
23. Policy EP4 of the emerging Local Plan relates to employment development in residential areas. The Policy states that new small scale employment uses (Use Classes B1, B2, B8, A1 and A2) will be permitted where housing is the principal land use provided there would be no detriment to the amenity of the area in terms of scale, character, noise, nuisance, disturbance, environment and car parking.
24. The use for dog grooming falls within its own use class (sui generis) and so is technically not covered by Policy EP4. However, given the nature of the use and the context of the development in this case, being in a residential area, it is considered appropriate to apply the principles of Policy EP4. As such, it is considered the proposed development, being small in scale and within a residential area, is acceptable in principle provided it will not result in any detriment to the amenity of the area.

Design and impact on the streetscene

25. At a national level The National Planning Policy Framework (The Framework) states that the Government attaches great importance to the design of the built environment and good design is a key aspect of sustainable development.
26. The Framework also states that planning policies and decisions should aim to ensure that developments (amongst other things) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
27. At a local level, Policy 17 of the Core Strategy states that the design of new development should take account of the character and appearance of the local area, including (amongst other things) design, materials and ensuring development is sympathetic to surrounding land uses.
28. Policy BNE1 of the emerging Local Plan (2012-2026) outlines the design criteria for new development, stating that a proposal should not have a significant detrimental impact on the streetscene by virtue of its density, siting, layout, building plot ratio, height, scale and massing, design, materials orientation, use of materials.
29. The development has resulted in the erection of a shed in the north-western corner of the application site. The shed is constructed from wood and has a door to the south elevation and window to the east elevation. The shed has a footprint measuring approximately 2.5m by 4.3m and reaches a maximum height of approximately 2.4m.
30. The shed is positioned to the rear of the house and so does not appear overly visible from within the streetscene. However, the shed is visible from the gardens of properties immediately surrounding the application site.
31. In terms of the physical size of the shed, it is relevant to note that it is not much larger than a standard shed and if it was being used for purposes incidental to the enjoyment of the house, the shed would meet the physical restrictions to qualify as permitted development. As such, the shed is considered to be a scale and design that would not result in any significant detrimental harm to the character of the area or appearance of the streetscene to warrant refusal of the application on these grounds. The shed remains subservient to the house in terms of design and scale.

32. The development is therefore considered to be in accordance with the relevant guidance within The Framework, Policy 17 of the core Strategy and Policy BNE1 of emerging Local Plan.

Impact on the neighbours

33. At a national level, The Framework states within one of its twelve core planning principles that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
34. Policy 17 of the Core Strategy states that the design of new development should take account of the character and appearance of the local area, including ensuring that the amenities of occupiers of the development will not be adversely affected by neighbouring uses and vice versa. The Core Strategy also states that development should be sympathetic to surrounding land uses and occupiers, and should not result in demonstrable harm to the amenities of the local area.
35. Policy EP20 of the Adopted Chorley Borough Local Plan Review 2003 states that development which is likely to be noise-generating will not be permitted in, or close to, noise-sensitive areas unless adequate measures can be implemented as part of the development. Planning conditions or agreements will be used to ensure that developers provide noise reduction measures.
36. Policy BNE1 of the emerging Local Plan (2012-2026) states that new development should not cause harm to any neighbouring property by virtue of overlooking, overshadowing or overbearing.
37. A number of comments have been received from neighbouring residents regarding the proposed development. These have been outlined at the outset of this report and cover a wide range of issues. However, the main concerns relate to noise and disturbance from the dog grooming activity and in particular, a power washer, dryer and barking from distressed dogs.
38. The applicant has refuted a number of these comments within the Applicant's Case section above however the noise impact of such an activity is a material consideration and as such the applicant was contacted to this effect and commissioned a noise assessment to be carried out by an appropriately qualified acoustic consultant. It is noted that there are no well-established criteria for the assessment of dog grooming noise.
39. The first noise assessment, dated November 2013, concluded that *"If the drier is not used on the higher setting, it is considered that the noise impact would be acceptable, even were there to be eight dogs groomed on site, and therefore the noise impact should not bar the grant of planning consent for the development"*. However it was noted that the assessment was undertaken within the applicant's garden and not within the neighbours' garden areas.
40. To address this issue a further noise assessment was undertaken in December 2013 within the side yard of No.2 Banner Close (1m from the building façade and 3.3m from the boundary fence). Measurements were made of various operations within the dog grooming facility and measurements of the same operations were also attempted at 2 Banner Close; however, even though noise from grooming operations was audible, the levels of road traffic noise interfered with the measurements. Accordingly a sound source was located within the dog grooming facility and the attenuation factors between the source location and measurement location was determined.
41. The report includes the following readings:
- With regard to noise from the power wash and drier, the background noise level in the side yard was typically 42 LA90.
 - In the side yard when the original drier was set to maximum it was predicted to produce a level of 43 dBA Leq, which would exceed the background level by only 1 dB.
 - As a comparator, BS8233 recommends a maximum level from steady anonymous noises in gardens etc. of 55 dB LAeq averaged over 16hrs.

- With regard to internal noise levels, BS8233 similarly would regard a level of 30 dB LAeq, 8hr as a “Good Standard” for internal noise.
- The kitchen was the most affected location internally; performing predictions on the same basis as above, the predicted kitchen internal noise level would be 21 dB LAeq and again this is objectively a very low noise level.

42. The assessment concludes that *“Now that measurements have been made on the property of the main complainant, it is considered that the noise impact of dog grooming operations is acceptable without modification, even were there to be eight dogs groomed on site, and therefore the noise impact should not bar the grant of planning consent for the development.”*
43. The report has been considered by one of the Council’s Environmental Health Officers who has confirmed that there is currently have no evidence to suggest that noise from the dog grooming business is causing a statutory nuisance to the occupiers of nearby residential properties. The Officers accepts the conclusion of the most recent acoustic report and has suggested that suitable opening hours in terms of noise would be from 8.30am to 5pm Monday to Saturday with no working on Sundays or Bank Holidays.
44. It should be noted that if further noise complaints are received then statutory nuisance procedures can be followed and where evidence of a statutory nuisance is identified, an abatement notice can be served requiring the owner or person responsible to take such steps or carry out such works as may be necessary to abate the nuisance.
45. Concerns have been raised that more than one dryer could be operational at once which is not reflected within the noise assessment. The Environmental Health Officer has requested that only one dog is on the premises at one time to ensure this doesn’t occur, this can be secured by condition.
46. Concerns have been raised that the first noise assessment states that *“If the drier is not used on the higher setting, it is considered that the noise impact would be acceptable* but the second noise assessment makes no reference to this. To clarify this the applicant’s appointed Environmental consultant has confirmed *“when preparing the first report, I had no measurements made on the main complainant’s property, so I had to proceed cautiously. In originally recommending that the drier should not be used on high, it wasn’t that the noise was clearly unacceptable with the drier on high, it was that I was unable to demonstrate that it would be acceptable and hence did not feel able to recommend its use.”*
47. In respect of the other issues which have been raised by neighbouring residents, these are addressed below.
48. Firstly, it is acknowledged that the business has been established for a number of years and has only recently re-located to this site, meaning a customer base is likely to have been previously established. However equally, the scale of the business and operations at this site (including the size of the shed) place a natural restriction on the intensity of the use and the activity to be undertaken. The applicant advises that a regular appointment usually lasts in the region of 1 hour, which on the basis of the operating hours applied for (Monday-Saturday 8.30am-4.30pm), would result in approximately 8 dogs per day as a maximum. However, it is also relevant to note that the business will not always operate at continual full capacity and so it is likely that the number of customers will be less. It is unlikely that the number of customers per day would exceed 8 as there is only provision to temporarily house 1 dog at a time in the shed. The applicant has confirmed that the business typically only operates on a Wednesday, Thursday and Saturday (which is the only days the employee works).
49. Although the applicant has applied for operational hours of 8.30am-4.30pm Monday to Saturday within her supporting statement she has confirmed that *“we would be happy for our existing pattern of work levels to be a condition to endorse the granting of Planning Permission. The applicant has confirmed that the majority weeks worked in a month there are only three days which are worked in that week. Some weeks there may only be two days worked. I have never worked six, nor would I plan on doing so.”*

50. This would be Wednesday, Thursday and Saturday. Although from a noise and amenity perspective there is no planning reason to limit the hours restricting the hours as such is considered to be viable way forward by the applicant.
51. The three days set out above are also the days in which the applicant's employee works at the premises. Concerns have been raised that the grooming is not actually undertaken by the applicant and all the work is undertaken by the employee, Emily. This would not accord with the Governments aspirations of facilitating flexible working practices whilst securing sustainable development as Emily travels to the site which is not strictly 'home-working'. In this regard the applicant has confirmed that Emily is on a zero hour contract and as such only works as needed. The applicant has stated that as it her business some of the customers require her to groom their dogs. Emily's role is currently just grooming whilst the applicant takes all of the telephone bookings, grooming and cleaning the premises. The applicant has confirmed however that Emily is moving to Dorset and has handed her notice in for two weeks' time. As such it will just be the applicant working from home and she has confirmed that she has no intention of any future employees.
52. Reference has been made to an application for dog grooming use which was considered and refused in Derby. The application (ref: 11/09/01371) was refused in 2010 for the following reason:
- In the opinion of the Local Planning Authority the continued use of the shed/outbuilding to the rear of no.1 Porlock Court for a dog grooming business, due to its siting and close proximity to neighbours within a residential area, would have an unduly detrimental impact on the residential amenities currently enjoyed by those neighbouring properties as a result of increased smells, general disturbance and pedestrian and vehicular movement not usually and reasonably associated with a residential property. As such the proposal is contrary to policies GD5 and T5 of the adopted City of Derby Local Plan Review.*
53. However the specific merits of this case have not been provided and it is important to note that each case must be assessed on its own merits. Whilst both cases may seem comparable to the objector, there are many factors to be considered with such an application which could materially alter the impact on neighbouring residential properties, some of which include the equipment used, hours of operation, siting and construction materials. In this case the applicant has commissioned a noise survey to specifically assess the impact of the noise, which is one of the main concerns raised, at this site. There is no evidence to suggest that such a survey was carried out at the Derby site. As such, it is considered that only limited weight should be placed on this decision.
54. The shed is of a wooden construction and concern has been raised from neighbouring residents with regard to an increased risk of fire. Comments have been sought from Lancashire County Council (LCC) Fire and Rescue, who raise no objection to the use/activity in this case or the building it is being undertaken in.
55. As established previously, it is possible that a number of dogs could be groomed throughout the day and so concern has been raised in relation to waste management and in particular the disposal of dog faeces. The applicant contends that this has never been an issue and although this is a possibility it is considered that given the limited amount such an occurrence would arise, no further detail is required in this regard. If for any reason such issues become a problem, they can be appropriately investigated by the Council's Environmental Health Team.
56. The applicant has confirmed that the grooming equipment located and used in the 'Shed' is composed of one electrically powered bath and dryer with external ventilation; electric hand operated trimmers and a grooming table. The equipment within the shed has been assessed in terms of noise by an appropriately qualified acoustic consultant, this is addressed above.
57. The submitted plans are accompanied by a number of photographs, a detailed supporting statement and measurements which means that adequate information is available for

neighbours to comment on the application should they so wish. Furthermore, the application is retrospective and so is visible from neighbouring properties in the surrounding area and particularly those positioned closest to the site.

58. It has been noted that concern has been raised in relation to the ringing of a doorbell when clients come to the site and issues of overlooking and loss of privacy when dogs are being taken from owners down the side of the house. This is with particular regard to No.76 Doctors Lane to the east of the application site.
59. Firstly, with regard to the doorbell ringing, it is not considered this would result in significant detrimental harm to warrant refusal of the application. The use of the doorbell would be intermittent, for short periods only and represents a normal residential sound. Whilst the use at this site may be greater than that at a regular residential property, it is not considered a refusal of the application could be sustained on these grounds.
60. With regard to overlooking from clients visiting the site, it has been noted that No. 76 shares a low and open boundary treatment with the application site and so activity on both parts is readily visible for the other to see. The applicant advises that when clients arrive at the site, dogs are taken from their owners around the side of the house to the grooming facility to the rear. The reason dogs are not taken through the house is to maintain a degree of privacy and separation from the business use and the use as a home.
61. In terms of the impact on the amenity of No. 76, it has been noted that this property has a driveway adjacent to the application site leading to a garage to the rear and a number of habitable room windows to the front elevation which, at an oblique angle, are capable of providing a view of discussions between the applicant and their clients. However, such activity would be limited and is not considered to result in any undue noise and disturbance that otherwise would be expected in a residential area of this nature. Therefore although there will be comings and goings to the property, considering there are no main windows (there are 2 small high level windows which are not the main windows and are obscurely glazed) in the side elevation of the neighbouring property this is not considered unacceptable. However as the properties are only physically separated by a low boundary treatment a 1.8m high fence would address the neighbours' concerns. This could be secured by condition however the applicant has confirmed that such an offer was declined by the neighbour.
62. Whilst discussions may be visible between the applicant and their clients from No. 76, such periods will be intermittent and short lived and so the resulting impact is not considered to be so significant to warrant refusal of the application on these grounds.

Access and parking

63. In respect of highway safety, The Framework states that development should only be prevented or refused on transport grounds where the residual cumulative impact of development is severe.
64. In addition, Policy ST4 of the emerging Local Plan states that development will need to make parking provision in accordance with the standards set out in Appendix D of the Plan. However, locations that are considered to be more sustainable and well served by public transport may be considered appropriate for lower levels of provision. In addition, local circumstances will be taken into consideration.
65. In terms of the use, it has been noted that concern has been raised by neighbouring residents with regard to the impact on parking from customers coming to and from the site. As a result comments have been received from LCC Highways who raise no objection to the development.
66. In terms of assessing the resulting impact on the highway network, it has been noted that the development would result in no additional provision to accommodate customer parking at the site. However, it is equally relevant to note that the numbers of customers coming to the site at any one time would be limited as there is only provision to groom one dog at a time in the shed. This can be addressed by condition.

67. The applicant advises that customers briefly arrive at the appointed time, drop off their dog and then return later once the appointment is complete. The time a customer spends at the site is limited and so this indicates that any impact on the highway network would also be short lived. The section of road serving the application site benefits from unrestricted off-road parking and is in a 20mph zone meaning vehicles generally move with greater care and attention.

68. It is noted that the applicant has an employee working for her and as such employee parking is a consideration. The applicant has confirmed however that Emily does not have a driving licence and as such does not require a parking space at the property.

69. As such, it is not considered the highway activity caused by the use would be so severe in this case to warrant refusal of the application on highway grounds.

Overall Conclusion

70. On the basis of the above, this application is accordingly recommended for approval subject to conditions.

Planning Policies

National Planning Policy Framework

Central Lancashire Core Strategy
Policy 17

Adopted Chorley Borough Local Plan Review
Policies GN1, GN5, EP20 and TR4

Emerging Local Plan (2012-2026)
Policies BNE1, ST4, and EP4

Planning History

The site history of the property is as follows:

04/00738/FUL: First floor side extension. Approved August 2004

Recommendation: Permit Full Planning Permission

Conditions

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

Title	Drawing Reference	Received date
Location Plan		1 st October 2013
Site Plan		20 th September 2013
Site Plan (with dimensions)		20 th September 2013

Reason: For the avoidance of doubt and in the interests of proper planning.

2. The use hereby permitted shall only operate between 8.30am and 4.30pm on Mondays to Fridays, between 8.30am and 4.30pm on Saturdays and not on Sundays or Bank or other National Public Holidays. *Reason: In the interests of the amenity of the area and adjoining and nearby residential properties.*

3. There shall be no more than one client at the property (defined as per the red edge of the location plan) visiting the dog grooming business, hereby permitted, at any one time. *Reason: To reduce the impact of the development on the neighbouring properties.*

4. The building hereby permitted shall only be used for dog grooming and for no other purpose. If the building is no longer used for dog grooming its use shall revert to a use incidental to the enjoyment of the dwelling house. *Reason: To protect the amenities of local residents.*

5. No goods, plant, equipment or material shall be deposited or stored in the open on the site. *Reason: In order to protect the amenities of the area and the neighbours' amenities*

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order, with or without modification), no windows/ rooflights/doors other than those expressly authorised by this permission shall be inserted at any time within the building hereby permitted. *Reason: To protect the amenities and privacy of the adjoining properties.*

7. From the date of this planning approval the dog grooming business shall maintain an appointment book for all appointments at the building hereby approved. This appointment book shall be made available to view by any Member of the Council on request. *Reason: to ensure that only 1 dog is in attendance at the premises at any one time and in accordance with the nature of the business as forwarded by the applicant which was taken into consideration in determining the proposals.*