DELEGATED APPLICATIONS ASSESSMENT SHEET

Application No: AWDM/0782/11	Recommendation – APPROVE
Site	23 Kings Road Southwick Brighton West Sussex
Proposal:	Erection of shed in rear garden in connection with dog grooming business.

NEIGHBOURS CHECKED: Y

ADDITIONAL NEIGHBOUR NOTIFICATIONS: N

PROPOSAL, SITE AND SURROUNDINGS:

The application property comprises a Council-owned, two-storey semi-detached house located on the west side of Kings Road, a residential road on sloping ground on the north side of Old Shoreham Road. A detached timber shed (2.1m wide x 2.1m deep) has been erected in the rear garden approximately 2m from the rear wall of the dwelling. Permission is sought to operate a small-scale dog-grooming business from the shed. Internally the shed has been fitted out with a dog bath but is not connected to the existing drainage system. Customers would access the shed via an existing path which runs along the south side of the dwelling.

The proposed hours of work would be Tuesday to Friday (inclusive) between the hours of 10am to 3pm. The business would be run on an appointment only basis.

The grooming process involves washing the dogs, drying with towels and then 'finishing off' with a cordless dryer. Cordless clippers/scissors are used for cutting. It takes about 1 hour to bathe and dry a dog and a little longer to cut them depending on the size of the dog. At the end of the process water is scooped out of the bath with a bucket and sponges and disposed of down an old outside toilet.

If dogs don't like the grooming process and start barking they will be muzzled to calm them down.

The applicant would run the business herself with no other employees.

Initially it is intended that there would be 1 or 2 dogs up to 2 or 3 days per week, building up to a maximum of 3 or 4 dogs 4 days per week.

It is not anticipated that there would ever by 2 dogs at the same time as there needs to be time between appointments for tidying and cleaning up before the next arrival.

RELEVANT PLANNING HISTORY

None

RELEVANT PLANNING POLICIES

Saved Adur District Local Plan policies: AG1,
South East Plan: RE3, T4, BE1
National planning policy: PPS1, PPS4, PPG13.

RELEVANT CONSULTATION RESPONSES AND REPRESENTATIONS:

The **Highway Authority** comments that given the presumed low number of daily vehicular movements (up to 8 a day, 4 days a week) the proposed use is not expected to have an adverse effect on highway safety.

Executive Head of Housing, Health and Community Safety: No objection in principle, but queries whether the hours of business use should be controlled by a condition of planning permission.

The Contaminated Land Officer recommends pre-cautionary condition relating to possible contamination. [However, the shed has been erected and permission for it is sought retrospectively.]

The **Housing Officer** states that if planning permission is granted for this application it is proposed by Adur Homes to give landlord's consent for the dog grooming business and this would contain certain conditions to preserve the Council's duty of care to neighbours and the Council's own interests.

No representations have been received from third parties.

PLANNING ASSESSMENT:

There is no objection to the timber shed itself, which is of standard domestic proportions, modest in size and not visible in public view from the street.

National planning policy contained in PPS:4 (December, 2009) urges local planning authorities to adopt a positive and constructive approach towards applications for economic development (Policy EC10.1). Policy AE15 allows the development of small buildings (less than 300 sqm) within the built-up area for business purposes (Class B1) subject to there being no loss of amenity for nearby residents, buildings are of a scale and design appropriate to the locality and there are adequate access and parking arrangements. Although the proposed use is *sui generis* and does not fall within any Use Class, the spirit of policy AE15 is considered pertinent to this application. The Local Plan (para.10.36) recognises that a considerable number of small businesses are started by people working from home and that this will increase through technological advancement. Planning permission is not always required to work from home providing the overall character of the property is not changed. Where a business use ceases to be ancillary to the residential use, planning permission will be required for it. In considering such

planning applications it states that the key consideration will be the effect of the proposal on the amenities of surrounding dwellings.

In this case, the proposed business as described in the submitted Design & Access Statement appears to be very low-key. One dog at a time would be groomed by the applicant on an appointment-only basis. It is considered that the additional activity at the property would therefore be relatively limited and unlikely to cause noise disturbance or other inconvenience to surrounding residents. However, the nature of the business has the potential to cause disturbance to neighbours if poorly managed by the applicant, if the business expands to accommodate more than one dog at a time, or through dogs barking, or if the hours of the business use were increased beyond normal working hours. It is therefore considered appropriate that permission is granted for a temporary period up to 18 months in the first instance in order that the impacts of the proposed use on the surrounding residential area can be monitored over a period of time.

Customers would access the shed via the existing access path on the south side of the house. The boundary treatment on this side consists of a low chain-link fence. Owing to the difference in ground levels (the application property is approximately 1 metre higher that the adjoining dwelling to the south) customers walking along the path would have direct views into the kitchen window in the north flank of No.21 Kings Road. One solution would be to erect taller, solid fencing on this boundary, but this would have a somewhat overbearing effect on the outlook from this north-facing window. As an alternative, customers could be required to come through the house into the rear garden, although a condition worded in such a way would be difficult to enforce on a day-to-day basis. On balance, it is considered that given its low key nature, the activity and comings and goings associated with the proposed use would not be so intrusive as to be seriously detrimental to the privacy of the neighbour. It is noted that no representations have been received following normal publicity of the application. An additional safeguard is in place in respect of this proposal which also requires approval from the Council as landlord (and which can be rescinded if complaints arise).

The anticipated low level of activity would likely have little impact on the residential character of this road.

The Highway Authority has not raised any objection in terms of access or parking. There is no on-site parking provision, and owing to the narrow width of the road, on-street parking is limited to one side of the carriageway only. However, the proposed business use run on an appointment-only basis with one customer at a time would generate demand for 1 additional vehicle to park on the highway. The applicant anticipates that most customers will be in walking distance with business largely generated through 'word of mouth'.

In conclusion, and subject to appropriate safeguarding conditions, it is not considered that the shed or the proposed dog grooming business operated by the applicant at the scale and intensity described in this application would be harmful to the character, appearance or amenities of the area.

RECOMMENDATION APPROVE for the reason:-

The modest-sized shed building does not detract from the built environment and subject to conditions to control the scale and intensity of the proposed business use, and to safeguard the amenities of neighbouring residential occupiers, it is considered that the use of the shed for a dog-grooming business can take place without unacceptable harm to the amenities of neighbouring residential occupiers, the residential character of the surrounding area or highway safety. The use would accord with current national planning policy contained in PPS:4 which urges local planning authorities to adopt a positive and constructive approach towards applications for economic development, recognising the need to encourage entrepreneurship and support for business start-ups. Subject to the above-mentioned controls, the proposed use of the shed building for a dog grooming business would not conflict with saved policies AG1 and AE15 of the Adur District Local Plan or policies RE3, BE1 and T4 of the South East Plan.

Subject to:-

1. Temporary permission for 18 months
2. Approved drawings
3. The dog grooming business shall not be operated other by Mrs M Wright as the householder of 23 Kings Road, Southwick and by no other business operator.
4. Only the timber shed building in the rear garden shall be used for a dog grooming business~~, and shall not be used for any other purpose other than for purposes incidental to the domestic use of 23 Kings Road, Southwick~~.
5. The dog grooming business hereby permitted shall not be operated other than between the hours of 0900 and 1700 Mondays to Fridays, and not at all on Saturdays, Sundays or Public Holidays.
6. The dog grooming business use hereby permitted shall be operated only on an appointment basis.
7. The dog grooming business hereby permitted shall be carried on only by Mrs M Wright and no other persons shall be employed or otherwise assist with the operation of the business at the property.
8. There shall be no advertisement of the business at the premises.

IS RECOMMENDATION CONTRARY TO LETTER (S) OF REPRESENTATION?

No

Delegated Decision

Case Officer Sign..... [redacted] .....Date 29.11.11

Authorising Officer Sign..... [redacted] .....Date 29.11.11