

Application Details	
Application Reference Number:	<u>38/23/0409</u>
Application Type:	Full Planning Permission
Earliest decision date:	25 December 2023
Expiry Date	<u>24 January 2024</u>
Extension of time	21 February 2024
Decision Level	Committee
Description:	Change of use of residential garage into dog grooming salon at 10 Greenway Road, Taunton
Site Address:	10 GREENWAY ROAD, TAUNTON, TA2 6LB
Parish:	38
Conservation Area:	No
Somerset Levels and Moors RAMSAR Catchment Area:	Yes
National Landscape (AONB):	No
Case Officer:	Mike Hicks
Agent:	
Applicant:	MR P & MRS J GIBBS
Committee Date:	
Reason for reporting application to Committee	The applicant works in the planning department.

## 1. Recommendation

1.1 That permission be GRANTED subject to conditions.

## 2. Executive Summary of key reasons for recommendation

2.1 The proposal constitutes a small scale, working-from-home business where the residential character of the street scene would not be adversely affected. It is considered that any noise or activity generated would not be significantly greater than could be expected within a residential area, and thus the use can be appropriately controlled by conditions to ensure it is acceptable in this area. There would be no impact on the Somerset Levels and Moors Ramsar site or ecology within the site.

## 3. Planning Obligations and conditions and informatives

### 3.1 Conditions (full text in appendix 1)

- Standard time limit
- Approved plans
- Hours of operation

- Restriction on use
- Appointments only 7 dogs a day
- No additional staff
- Fence to be installed at access
- Sound insulation

### 3.2 Informatives (bullet point only)

- Positive and proactive working

## 4. Proposed development, site and surroundings

### 4.1 Details of proposal

This application seeks permission to change the use of an existing attached garage to a dog grooming salon. The hours of operation are 08.30-17.30 Monday to Saturday. The premises would be closed on Sundays and Bank Holidays.

The proposal involves minor external alterations to the garage including the removal of the garage door and infilling with brick to the wall along with the insertion of a door and a window.

### 4.2 Sites and surroundings

The site consists of a semi detached dwelling with attached garage. The dwelling is located on the northern side of the A358, a Class A classified highway. The dwelling has a driveway, however no planning permission exists for this and it is not in use. The kerb has not been dropped at the front of the property. There is no vehicular access proposed within the application, accordingly customers would arrive on foot or would park in the locality.

## 5. Planning (and enforcement) history

Reference	Description	Decision	Date
E/0226/38/13	UNAUTHORISED FORMATION OF ACCESS FOLLOWING REFUSAL OF PLANNING PERMISSION AT 10 GREENWAY ROAD, TAUNTON	Case closed	23/01/2018
38/12/0401	FORMATION OF ACCESS AT 10 GREENWAY ROAD, TAUNTON (RETENTION OF WORKS ALREADY UNDERTAKEN)	Refused	19/12/2012

## 6. Environmental Impact Assessment

NA

## 7. Habitats Regulations Assessment

The site lies within the catchment area for the Somerset Moors and Levels Ramsar site. As competent authority it has been determined that a project level appropriate assessment under the Conservation of Habitats and Species Regulations 2017 is not required as the Council is satisfied that this type of small-scale working from home business will not result in an increase in nutrient loadings at the catchment's wastewater treatment works. As such, the Council is satisfied, as the competent authority, that the development is not likely to have a significant effect on the Ramsar site (either alone or in combination with other plans or projects) pursuant to Regulation 63(1) of the said Habitats Regulations 2017.

## 8. Consultation and Representations

Statutory consultees (the submitted comments are available in full on the Council's website).

8.1 Date of consultation: 30 November 2023

8.2 Date of revised consultation (if applicable):

8.3 Press Date: 01 December 2023

8.4 Site Notice Date: 04 December 2023

8.5 **Consultees** the following were consulted:

<b>Consultee</b>	<b>Comment</b>	<b>Officer Comment</b>
Taunton Town Council	No comments received	
SCC - ECOLOGY	No objections- site contains negligible features for ecology.	Refer to ecology section
SCC - TRANSPORT DEVELOPMENT GROUP	Standing advice applies	Refer to highway section
WESSEX WATER	No comments received	
ECONOMIC DEVELOPMENT	No comments received	

## 8.6 Local representations

Neighbour notification letters were sent in accordance with the Council's Adopted Statement of Community Involvement.

Following consultation, one letter has been received making the following comments (summarised):

Material Planning Considerations
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Support	Officer comment
Good to see an unused space made into a local business.	

## 9. Relevant planning policies and Guidance

Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act), requires that in determining any planning applications regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations strongly indicate otherwise. The site lies in the former Taunton Deane area. The Development Plan comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (SADMP) (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

As a result of local government reorganisation Somerset Council was established from the 1 April 2023. The Structural Change Order agreeing the reorganisation of local government requires the Council to prepare a local plan within 5 years of the 1 April 2023 and the Council will be bringing forward a Local Development Scheme to agree the timetable for the preparation of the local plan and scope in due course.

Relevant policies of the development plan in the assessment of this application are listed below:

SP1 - Sustainable development locations,  
DM1 - General requirements,  
A1 - Parking Requirements,  
CP8 - Environment,

Supplementary Planning Documents  
District Wide Design Guide, December 2021

### 9.1 National Planning Policy Framework

The NPPF is a material consideration

## 10. Material Planning Considerations

The main planning issues relevant in the assessment of this application are as follows:

### 10.1.1 The principle of development

The acceptability of the proposal is predominantly dependent on the assessment of the impacts as set out in the report below.

The proposed dog grooming within this application site would be a small scale business operating from an existing domestic garage. Dog grooming business by definition fall within use Class E (following recent changes to the Use Class Order). Notwithstanding this, it is considered that the proposed use would be more akin to a “sui generis” use as prior appointments would be required rather than a Class E dog parlour which promotes services to passers-by. A small scale commercial use to serve local residents therefore would not conflict with the aims of the Local Plan to protect the vitality a viability of the town centre.

Further to the above, the building could be reverted back to a domestic garage when the need for the business no longer exists or in case of a change in ownership. It is recommended that a condition to that effect is imposed to make it clear that the building can be used as a garage or/and reverted back to its original use at any time without the requirement for a further change of use application.

#### 10.1.2 The impact on the character and appearance of the locality

The alterations to the front of the garage would be very modest in scale and would have an acceptable impact on the character and appearance of the dwelling. A condition will be included in the decision notice to ensure that the bricks match those in the existing dwelling. The fence panel at the entrance would have an acceptable impact on the character of the area and the street scene. Having regard to the above the proposal would accord with Policy DM1 of the Taunton Deane Core Strategy.

#### 10.1.3 Access, Highway Safety and Parking Provision

The site does not have any off street parking provision. There is an area of hardstanding and vehicular access that was created without planning permission to the front of the property. This was subject to an enforcement investigation which was closed on confirmation that the access was closed off with a timber fence to ensure it is a pedestrian access only. The applicant has confirmed that they don't use the access for vehicles and there is no intention to. The timber fence panel which was closing the access to vehicular traffic has been removed, however the applicant intends to reinstate it. Further details have been submitted during the course of the application showing a timber fence panel installed at the entrance. This will be secured via a planning condition to be in place prior to the development first coming into use.

Whilst there is no parking on site, it is considered that a significant number of customers will walk to the site as it is located in a populated area with good pedestrian facilities. There are limited spaces at the front of the site. In the event that these are not available, it is anticipated that customers who arrive by car would be able to park in any of the local streets that are not subject to resident permits. Given the likely number of vehicular movements, they would be modest in number over the course of a day and therefore would not raise concerns over the impact on the local highway network.

Subject to a condition to ensure that the vehicular access is stopped up, the proposed development would have an acceptable impact on highway safety in accordance with Policy DM1 of the Taunton Deane Core Strategy.

#### 10.1.4 The impact on neighbouring residential amenity

Each application needs to be assessed on its own individual merits in relation to the impact on neighbour amenity. It is considered to be acceptable in this regard. There would be some comings and goings of customers during the day. The applicant has confirmed that they would groom no more than 7 dogs a day.

The garage is of solid brick and tile construction and is detached from the neighbouring property, No. 12 Greenway Road. The rear garden is not proposed for any dog grooming services. Access into the garage would be directly from the front of the property. Accordingly the rear garden would not need to be accessed by customers or their dogs. Furthermore, the location is already subject to relatively high background noise levels due to the busy road, meaning that the site is less sensitive to the noise that would be associated with the development. The applicant has proposed to improve the sound insulation within the garage and a specification has been submitted with the application. This will be secured via a planning condition. Further conditions will be imposed in relation to the hours of operation along with further conditions limiting the number of dogs to be groomed per day to 7, no additional staff members and grooming via appointment only. These conditions are considered sufficient to ensure that the use is sufficiently small scale to ensure there would be no adverse impact on neighbour amenity. Notwithstanding this, the Council does have powers under separate environmental health legislation to enforce against a business owner in the unlikely event of any unforeseen nuisance occurring. Subject to the conditions set out above it is considered that there would be no adverse impact on neighbour amenity in accordance with Policy DM1 of the Taunton Deane Core Strategy.

#### 10.1.5 The impact on ecology and biodiversity and the Somerset Levels and Moors Ramsar Site.

The site lies within the catchment area for the Somerset Moors and Levels Ramsar site. As the proposed development would not result in an increase in nutrient loadings within the catchment, the Council is satisfied, as the competent authority, that the development is not likely to have a significant effect on the Ramsar site (either alone or in combination with other plans or projects) pursuant to Regulation 63(1) of the said Habitats Regulations 2017.

The Council's Ecologist has commented that the site does not contain features of any significant for ecology. They have considered the proposed development and commented that it can continue without the requirement for further surveys or planning conditions. It is therefore considered that the general ecology of the site, including protected species would not be harmed as a result of the development in accordance with Policy CP8 of the Taunton Deane Core Strategy.

### **11 Local Finance Considerations**

#### 11.1 Community Infrastructure Levy

Not applicable

## **12 Planning balance and conclusion**

12.1 For the reasons set out above, having regard to all the matters raised, it is therefore recommended that planning permission is granted subject to conditions.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998 and the Equality Act 2010.





## Appendix 1 – Planning Conditions and Informatives

### Conditions

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

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

(A4) Location Plan

(A4) Site Plan

(A3) Proposed Floor Plan Rev B

(A3) Existing and Proposed Elevations dated 04/12/2023

(A3) Existing & Proposed Boundary

(A3) Boundary Site Plan

Sound Panel Technical Sheet

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

3. The colour of the new brickwork at the front elevation of the garage shall match the bricks in the existing dwelling.

Reason: To preserve the character and appearance of the area to comply with Policy DM1 of the Taunton Deane Core Strategy.

4. The dog grooming business hereby approved shall be carried out only during the following times: 08.30 – 17.30 Monday – Saturday and at no time on Sundays, Bank Holidays or other Public Holidays.

Reason: In the interests of the amenities of nearby residents in accordance with Policy DM1 of the Taunton Deane Core Strategy.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and the Town and Country Planning (Use Classes) Order 1987 (as amended) or any order revoking and re-enacting the said Orders, the building shall be used for the following purposes only: a commercial dog grooming salon or/and domestic use associated with 10 Greenway Road, Taunton. There shall be no change of

use of this building to any other use(s) other than that expressively authorised by this permission shall be carried out without the further grant of planning permission.

Reason: In the interest of amenity and highway safety in accordance with policy DM1 of the adopted Taunton Deane Core Strategy, and policy A1 of the adopted Taunton Deane Site Allocations and Development Management Plan.

6. Dog grooming shall be undertaken by an appointment system only. Appointment diaries shall be kept and made available to the local planning authority on request. A maximum of 7 dogs per day shall be groomed.

Reason: In the interests of the amenities of nearby residents and in the interest of highway safety in accordance with Policy DM1 of the adopted Taunton Deane Core Strategy, and policy A1 of the Taunton Site Allocations and Development Management Plan.

7. Other than the resident householder, no members of staff shall be employed to work at the premises.

Reason: In the interest of amenity and highway safety in accordance with policy DM1 of the adopted Taunton Deane Core Strategy, and policy A1 of the adopted Taunton Deane Site Allocations and Development Management Plan.

8. The fence illustrated at the access as illustrated on Plan No. 'Existing & Proposed Boundary' and 'Boundary Site Plan' shall be installed prior to the commencement of the use hereby permitted and shall thereafter be retained in perpetuity.

Reason: In the interests of highway safety in accordance with Policy DM1 of the Taunton Deane Core Strategy.

9. The sound insulation measures illustrated on the approved plans: 'Proposed Floor Plan Rev. B' and 'Sound Panel Technical Sheet' shall be completed in accordance with the submitted plan prior to the commencement of the permitted use and shall thereafter be retained for the duration of the use hereby permitted.

Reason: In order to protect residential amenity to comply with Policy DM1 of the Taunton Deane Core Strategy.

#### Notes to applicant.

1. In accordance with paragraph 38 of the National Planning Policy Framework 23 the Council has worked in a positive and creative way with the applicant and

has negotiated amendments to the application to enable the grant of planning permission.

