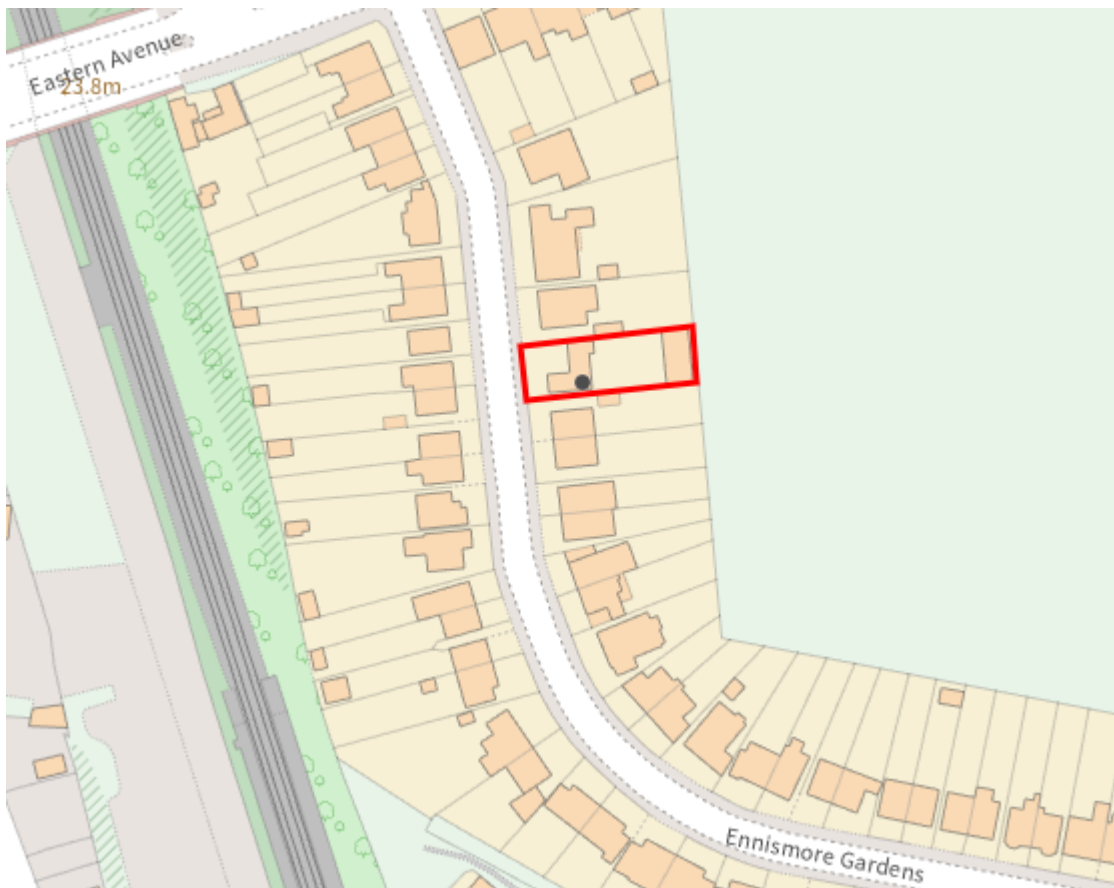


Reference:	23/00299/FUL	
Application Type:	Full Application	
Ward:	St Lukes	
Proposal:	Change of use to part of ground floor from dwelling to dog grooming parlour and alter front elevation	
Address:	91 Ennismore Gardens, Southend-on-Sea, Essex, SS2 5RA	
Applicant:	Mr Robert Anderson	
Agent:	N/A	
Consultation Expiry:	17 th August 2023	
Expiry Date:	1 st September 2023	
Case Officer:	James Benn	
Plan Nos:	(23) 06/07 EX01; (23) 06/07 PL01	
Supporting Documents:	Emails from applicant dated 20.07.2023 and 03.08.2023	
Recommendation:	GRANT PLANNING PERMISSION subject to conditions	



1 Site and Surroundings

- 1.1 The application site contains a detached dwelling on the eastern side of Ennismore Gardens. The surrounding area is predominantly residential in nature. There are some commercial and industrial uses to the north of the site, on the northern side of Eastern Avenue. The application relates specifically to the attached single storey side garage/store room which abuts the northern side boundary.
- 1.2 The site is not within a conservation area or subject to any site-specific planning policy designations. The rear garden bounds Victory Sports Ground to the east which is designated as Protected Green Space.

2 The Proposal

- 2.1 Planning permission is sought for a change of use to the existing attached mono-pitched roofed side garage/store room to a dog grooming parlour and to alter its front elevation by replacing the existing window with a door and a full-length window.
- 2.2 Information submitted with the application states that the dog grooming parlour would be visited by a maximum of 5 clients per day and would typically operate for 3 days per week between the hours of 09:30-17:30 predominantly Monday-Friday with some occasional Saturday use, approximately once per month. Clients are by appointment only. The parlour would be operated by 1 member of staff who is the applicant's wife.
- 2.3 The proposed door in the front elevation is where the handover/collection of the dogs would take place. Parking is proposed on the frontage for clients collecting/dropping off their dogs. Appointments will be scheduled so that no overlapping occurs. The applicant's wife will work primarily as a one to one groomer (i.e. will only service one dog at any one time) but occasionally two dogs from the same household would be allowed.
- 2.4 The applicant states that the sole staff member has undertaken nationally recognised grooming qualifications and has gained 3 years' experience in established grooming salons. Other details associated with the use include double glazed windows and insulation within the internal walls for noise suppression. A certified waste contractor will be utilised to dispose of any waste products.
- 2.5 An air dryer would be used as part of the operation for between 5-30 minutes per dog (depending on the size of the dog). Noise from the air dryer would be controlled by mounting it within the mono-pitched roof area of the attached garage, in an insulated compartment.
- 2.6 No advertisement signage has been proposed in association with the proposed development.
- 2.7 The submitted plans show a chimney to be removed. The applicant has confirmed by email that the chimney has already been removed and therefore this does not form part of this planning application and has been given no consideration in the assessment of this application.

3 Relevant Planning History

- 3.1 09/01142/FULH: Demolish attached garage, raise roof and erect part single/part two storey front and side extension – Refused.

4 Representation Summary

Call In

4.1 This application has been called into Development Control Committee by Councillor Beggs.

Public Consultation

4.2 Five (5) neighbouring properties were notified of the application by letter and a site notice was displayed. Two letters of representation have been received. Summary of comments:

- Inappropriate for commercial ventures in a residential area.
- The deeds say not allowed to operate a business from a house.
- Parking concerns due to already excessive demand on the road. Concerns that the driveway at the application site is not always used.
- The Council has not sent a letter to other residents.
- There are more suitable empty shops elsewhere.
- Noise concerns.
- Additional traffic created.
- Negative impact on the resale value of nearby properties.

[Officer comment: Three rounds of neighbour consultation were undertaken as additional information was received from the applicant. Neighbour consultation was undertaken in accordance with National and Local requirements. Covenants within the deeds and impact on property values are not material planning considerations. All relevant planning considerations have been assessed within the appraisal section of the report. These concerns are noted and they have been taken into account in the assessment of the application but were not found to justify refusing planning permission in the specific circumstances of this case.]

Highways

4.3 No objections. Vehicles should only access the off street parking area via the existing vehicle crossover. (Highways) enforcement action could be taken if vehicles access the parking area other than using the authorised vehicle crossover.

Environmental Health

4.4 No objections raised subject to conditions in relation to noise from equipment and refuse storage. The operating hours are reasonable and limiting to only 2 dogs on the premises being treated or waiting to be treated will minimise issues of noise from dogs barking.

[Officer Comment Conditions have been imposed at Section 7 of this report which are considered to be reasonable, necessary and proportionate when considered under relevant planning guidance.]

5 Planning Policy Summary

5.1 The National Planning Policy Framework (NPPF) (2021)

5.2 Planning Practice Guidance (PPG) – National Design Guide (NDG) (2021)

5.3 Core Strategy (2007): Policies KP2 (Development Principles), CP3 (Transport and Accessibility), CP4 (Environment and Urban Renaissance).

5.4 Development Management Document (2015): Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land), DM11 (Employment Areas), DM15 (Sustainable Transport Management).

5.5 The Southend-on-Sea Design and Townscape Guide (2009)

5.6 Community Infrastructure Levy (CIL) Charging Schedule (2015)

6 Appraisal

Principle of Development

- 6.1 Paragraph 119 of the NPPF states “Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.”
- 6.2 Policy KP2 of the Core Strategy requires that new development contributes to economic, social, physical and environmental regeneration in a sustainable way through securing improvements to the urban environment through quality design and respecting the character and scale of the existing neighbourhood.
- 6.3 Policy DM11(4) of the Development Management Document states that: “Proposals for employment generating uses outside the Employment Areas (Policy Table 8) will be allowed where they do not impact upon the amenity of the surrounding uses and do not conflict with other development plan policies.”
- 6.4 The immediately surrounding area is residential in character. The applicant has stated that the sole means of access would be via the proposed door in the front elevation of the converted side garage. This is where handover/collection of the dogs would take place thereby enabling the applicant to control clients access from using any route through the dwellinghouse and its rear garden.
- 6.5 The applicant has specified that proposed operating hours are from 09:30-17:30 Mondays-Fridays with occasional Saturday use, approximately once a month. The applicant has stated that on average, they anticipate 5 clients daily and will work predominantly as a 1 to 1 groomer, unless there are two dogs from one household, further limiting the number of dogs being dealt with.
- 6.6 Balancing the considerations, it is considered that the scope of the operation is relatively limited and at the level and nature proposed could be accommodated within the residential context without significant impact on the amenity of surrounding uses and residential neighbours. This is partly as a result of the modest internal floor area of the proposed salon room (some 15 sqm) which restricts the number of clients being dealt with at any one time, the limited number of staff and clients proposed and the limited operating hours. The comings and goings of clientele would not create uncharacteristic traffic in the area including because it would not be dissimilar from normal patterns of traffic associated with domestic movement and /or e-commerce.
- 6.7 Subject to other material planning considerations discussed below and the scope for planning conditions, the proposed commercial activity with regard to the details submitted is not considered to create types and levels of activity that would be significantly harmful to amenity or uncharacteristic of a residential area. The principle of the use applied for, in the specific circumstances of this case, is therefore acceptable.

Design and Impact on the Character of the Area

- 6.8 Local and national planning policies and guidance seek to ensure that new development is well designed. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 6.9 Local development plan policies seek to ensure that new development is designed so that it

adds to the overall quality of the area and respects the character of the site, its local context and surroundings, provides appropriate detailing that contributes to and enhances the distinctiveness of place; and contribute positively to the space between buildings and their relationship to the public realm. Policy DM1 and the Southend-on-Sea Design and Townscape Guide provide further details on how this can be achieved.

- 6.10 The proposed alteration to the front elevation of the side garage/store room, replacing the existing window with a door and a full-length window is considered a minor alteration which is acceptable in design terms. It is considered that the design, size, siting and scale of the development proposed are such that it would not result in any significant harm to the character and appearance of the site, the streetscene and the area more widely. The proposal is therefore considered to be acceptable and policy compliant in terms of its impact on the character and appearance of the site, the streetscene and the area more widely.

Amenity Impacts

- 6.11 Local and national planning policies and guidance seek to secure high quality development which protects amenity. Policy DM1 of the Development Management Document specifically identifies that development should protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight. Further advice on how to achieve this is set out in the Council's Design and Townscape Guide.
- 6.12 The proposal would result in comings and goings to the site within the vicinity of neighbouring residential dwellings and their openings. However, given that the scale of the operation proposed would be relatively limited typically comprising 3 days per week Monday to Friday, 09:30 to 17:30 (with an occasional Saturday typically once per month) with a maximum 5 clients per day (1 client at a time by appointment only), these comings and goings of clientele would be similar to normal patterns of traffic associated with domestic movement and/or e-commerce and would not create uncharacteristic traffic nor undue noise and disturbance. Taking this into consideration, it is not considered that the proposal would be significantly harmful to neighbouring occupiers in terms of undue noise and disturbance from the comings and goings of clientele. A condition is recommended for the operational hours to reflect the weekday hours referred to above but on a Saturday to be limited to 09:30 to 13:00 to protect the amenities of neighbouring occupiers at the weekend.
- 6.13 The nearest neighbours' opening to the sole handover/collection point (the proposed door in the front elevation of the attached garage) is No 93 Ennismore Garden's side entrance door to the north which is some 3m from the shared boundary. Given that, on the balance of probability, this door does not serve a habitable room and is located within an area that is already open to public gaze, no significant amenity harm has been identified having regard to overlooking and loss of privacy.
- 6.14 The size of the existing building is not being altered so the development would not result in any harm in terms of dominance, an overbearing impact, loss of light and outlook or overshadowing.
- 6.15 The proposed air dryer would be used for between 5-30 minutes per dog and would be the only noise impacting equipment used. It is proposed that noise from the air dryer would be suppressed by storing it in an insulated compartment within the existing mono-pitched roof of the garage and by the internal insulation of the walls and the double-glazed windows. The Council's Environmental Health Team have raised no objections to the proposal subject to conditions relating to restricting noise output from the proposed air dryer and a scheme for the means of refuse storage. Subject to such conditions, it is not considered that the proposal would cause significant harm to neighbouring occupiers in any relevant regards, including

noise pollution.

- 6.16 The proposed fenestration alterations to the front elevation look out into the street which is already open to public gaze and is considered acceptable in terms of its amenity impacts including in terms of overlooking and loss of privacy.
- 6.17 Overall, it is considered that the scale of the operation would be limited and that the nature, design, size, siting and scale of the development proposed are such that it would not result in any significant harm to the amenities of the site, neighbouring occupiers or wider area in any relevant regards. Subject to the described conditions, the proposal is therefore considered to be acceptable and policy compliant in terms of its amenity impacts.

Highways

- 6.18 Paragraph 111 of the NPPF states that “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or, the residual cumulative impacts on the road network would be severe.” Policy CP3 of the Core Strategy and Policy DM15 of the Development Management Document aim to improve road safety, quality of life and equality of access for all. Policy DM15 states that “Development will be allowed where there is, or it can be demonstrated that there will be physical and environmental capacity to accommodate the type and amount of traffic generated in a safe and sustainable manner.”
- 6.19 Off-street parking for the dwelling and for clients can reasonably be provided on the frontage which could accommodate some 4 off-street parking spaces. Ennismore Gardens does not have parking restrictions and does not suffer from undue parking stress should clientele park in the street.
- 6.20 It is considered that given the limited scale of operations, which comprises 1 client at a time, by appointment only, the proposal would not have a significantly harmful impact on the surrounding local highway network. The Council’s Highways Team have raised no objections to the proposal.
- 6.21 The proposed development is not found to result in any significant parking or highways impacts, it is therefore acceptable and policy compliant in these regards.

CIL

- 6.22 The development is not liable for a payment under the Community Infrastructure Levy Regulations 2010 (as amended).

Equality and Diversity Issues

- 6.23 The Equality Act 2010 (as amended) imposes important duties on public authorities in the exercise of their functions and specifically introduced a Public Sector Equality Duty. Under this duty, public organisations are required to have due regard for the need to eliminate unlawful discrimination, harassment and victimisation, and must advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not. Officers have in considering this application and preparing this report had careful regard to the requirements of the Equalities Act 2010 (as amended). They have concluded that the decision recommended will not conflict with the Council's statutory duties under this legislation.

Conclusion

6.24 For the reasons outlined above the proposal is found to be acceptable and compliant with the relevant planning policies and guidance. As there are no other material planning considerations which would justify reaching a different conclusion it is recommended that planning permission is granted subject to conditions.

7 Recommendation

7.1 GRANT PLANNING PERMISSION subject to the following conditions:

01 The development hereby permitted shall begin no later than three years from the date of this decision.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

02 The development shall only be undertaken in accordance with the following approved plans: (23) 06/07 EX01; (23) 06/07 PL01.

Reason: To ensure the development is carried out in accordance with the consent sought, has an acceptable design and complies with Policy DM1 of the Development Management Document (2015).

03 Before the development hereby approved is occupied the materials used on the external surfaces of the development must match those used on the external surfaces of the existing property. This applies unless differences are shown on the drawings hereby approved or are required by other conditions on this permission.

Reason: To ensure the development is carried out in accordance with the consent sought, has an acceptable design and complies with Policy DM1 of the Development Management Document (2015).

04 The use hereby approved shall be restricted to the garage as shown in drawing (23) 06/07 EX01 and it shall only be operated as a dog grooming parlour by the occupiers of No 91 Ennismore Gardens and shall not be operated for any other purpose except for use as a domestic garage and/or for other such purposes which are incidental to the residential use of the dwelling. The permitted use shall be operated only inside the garage with the garage door and windows closed during operation and in no other part of 91 Ennismore Gardens including its external garden area.

Reason: To ensure the development is implemented and operated in accordance with the permission sought and to enable the Local Planning Authority to retain control of the use of the floorspace within the use specified so that operation of the premises does not prejudice amenity, in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

05 The use hereby approved shall not be operated outside the following hours: 09:30 to 17:30 Monday to Friday and 09:30 to 13:00 on Saturdays and it shall not operate at any other times including at any other time on Saturdays or at any time on Sundays or Public or Bank Holidays.

Reason: To protect residential amenity and general environmental quality in accordance with National Planning Policy Framework (2021), Core Strategy (2007) Policy KP2 and CP4, and Development Management Document (2015) Policy DM1.

06 No more than two dogs at any one time shall be allowed to be treated or wait to be treated at the application site.

Reason: To protect residential amenity and general environmental quality in accordance with National Planning Policy Framework (2021), Core Strategy (2007) Policies KP2 and CP4, and Development Management Document (2015) Policy DM1.

07 There shall be no installation of powered machinery other than one air dryer which shall only be mounted in an insulated compartment within the roof of the garage as specified in the email from the applicant dated 20.07.2023.

Noise from this equipment when operating at its maximum speed and output shall be limited to 10 dB(A) below the background noise level which is expressed as a LA90, 15minutes at the boundary of the nearest residential property. The rated noise levels from plant and equipment shall include any penalties for noise characteristics such as tone, intermittency, which are liable to cause the noise to be a nuisance etc.

Background noise levels shall be established for the operating times of the business.

In order to establish background noise level a representative survey shall be undertaken in accordance with British Standards BS 4142:2014+A1:2019 and/or the most suitable method to fully represent any noise source and impact at the boundary of the nearest residential properties so that noise will not cause a statutory nuisance. This shall be undertaken by a suitably competent person.

Details of how noise will be attenuated together with a maintenance schedule for the future operation of that equipment must be submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The use hereby permitted shall not take place other than in accordance with these approved details.

Prior to operation of the air dryer a post completion noise survey must be undertaken by a suitably qualified acoustic consultant, and a report submitted to and approved in writing by the Local Planning Authority. Where the Local Planning Authority's noise criteria has not been met further noise mitigation shall be implemented in accordance with details that shall have been previously submitted to and agreed with the Local Planning Authority under the terms of this condition.

The final agreed noise mitigation scheme shall be operated and permanently maintained thereafter.

Reason: In the interest of the residential amenity of nearby occupiers in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015).

08 Prior to the first use of the building for the purposes hereby approved a scheme for the means of refuse and recycling storage including full details and elevations of any bin stores shall have been submitted to and approved in writing by the Local Planning Authority under the terms of this condition. The agreed refuse and recycling scheme and facilities shall be implemented prior to the first use of the development hereby approved and shall be retained for such purposes at all times thereafter for the lifetime for the development. This shall also be in accordance with the Essex County Council and Southend-on-Sea City Council Waste Management Plan and the Southend-on-Sea Waste Storage, Collection and Management Guide for New Developments (2019).

Reason: In the interest of the residential amenity of nearby occupiers and environmental quality in accordance with the National Planning Policy Framework (2021), Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) and the Southend-on-Sea Waste Storage, Collection and Management Guide for New Developments (2019).

Informatives

- 1** You are advised that as the development equates to less than 100sqm of new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See www.southend.gov.uk/cil for further details about the Levy.
- 2** You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council will seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the city.
- 3** The applicant is reminded that this permission does not bestow compliance with other regulatory frameworks. In particular, your attention is drawn to the statutory nuisance provisions within the Environmental Protection Act 1990 (as amended) and the noise provisions within the Control of Pollution Act 1974. Applicants should contact the Council's Regulatory Services Officer in Environmental Protection for more advice on 01702 215005 or at Regulatory Services, Southend-on-Sea City, Civic Centre, Victoria Avenue, Southend SS2 6ER'.

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.