Planning, Design & Access Statement
157 Wilthorpe Road, S75 1JQ
Erection of 12m2 outbuilding for use as a Dog Grooming Parlour in rear garden.



Oct 2020

Introduction

This is a re-submission of a previously refused planning application (2020/0573) with a number of amendments. These amendments relate to the objections received to the previous proposal, and directly address the Local Planning Authority's reason for refusal. They comprise:

- Relocation of the proposed grooming parlour within the garden: to the rear of the garden resulting in extra distance between the parlour and nearby residential dwellings;
- Additional and enhanced access arrangements: to allow for access to the rear of the property for clients using the dog grooming service, and removing the need for access via the front of the property;
- Reduction in hours of operation: a reduction by 17% to hours of operation which have been accepted elsewhere within the authority in residential areas.
- A 17% reduction in the maximum number of dogs which will visit daily to allow for working within the reduced hours (from 6 to 5).

This Planning Statement reflects the above changes. It addresses the one reason for refusal:

1. *"The proposed erection of an outbuilding for use as a dog grooming parlour fails to comply with Local Plan Policy GD1 in that it would have an unduly harmful impact on the amenity of the residents of adjacent dwellings by way of increased noise, disturbance and loss of privacy*"

The LPA has provided a redacted copy of 4 no. objections to the refused application (and one supplementary comment on behalf of a customer/neighbour). These objections vary widely in scope but are all similar. They include references to:

- The Human Rights Act (Art. 1 and Art.8)
- COSHH (hazardous substances)
- Waste Water Act
- PPG14
- PAT Testing
- Water Industry Act
- Disability Discrimination Act (2005)
- The Highway Code

Insofar as these are material to the application, Appendix 2 to this statement explains how and why the proposal does not contravene the above.

Background:
The applicant has recently moved to the property and now wishes to start working from home, by siting a dog grooming parlour within the rear garden of 157 Wilthorpe Road. Initially, the business will operate on only a number of days each week, but as the business grows, it is intended to expand the operational hours. There will be only one dog on site at any time, arranged in advance by appointment. The application therefore seeks the following hours of operation:

- Monday – Friday: 09:00 – 17:00.
- Saturday: 09:00 – 13:00.

Deliveries are not expected to be required, but if necessary would be within these hours. These hours are as specified within the planning application form. However, if these operation hours are considered to be unsatisfactory, the applicant is willing to accept a condition which scales back the operation, within reason.

Within this timeframe a **maximum of 5 dogs will be groomed**, at a *maximum* of two dogs per session. Owners will drop off and return to collect their dogs at the end of the session. The service will use existing and nearby parking to the front of the property. The use is intended as small-scale; the business will be run by appointment.

The presence of 1 dog being groomed on site (and, occasionally two), within the hours stated, is considered low-key, and unlikely to be a noise nuisance.

The Site, and Proposal:
No.157 Wilthorpe Road is a semi-detached property located in the north west of Barnsley, approximately 1.5 miles from the city centre. The application relates to the siting of an outdoor summer house for use as a dog grooming parlour, within the rear garden of the property. Externally, the parlour measures 4900 x 3040mm including canopy, and has a maximum height at the ridge of 2440mm.

The roof has a slight pitch, where the height at the eaves drops to 1800mm. The total internal area of the parlour is 12sqm (4900mm x 2440), with a volume of 25.1 cubic metres.

The parlour will be set within a garden which measures 10800mm wide x 18600mm in length (194 sqm). The property benefits from garden which is generally flat throughout with a drop towards the rear. The parlour will be located towards the very rear of the garden to maximise the distance between it and residential properties. It will be greater than 15 metres distant from the nearest property.

The garden and parlour will be accessed by customers via a newly installed gate in the rear fence. This will obviate the need for comings and goings at the front of the property. There is adequate parking within close proximity of no. 157 Wilthorpe Road such that customers can park in available space on-street, and the cumulative impact on the road network is not considered severe.

Figure 1 (below) shows the current rear garden arrangement. Boundary fences are generally 1850mm above the ground level at the boundaries. A new gate will be inserted to match existing fencing into the rear fence of no.157 (see below).

Figure 1: Area in which Parlour will be located



Parlour situated to rear of garden facing away from property

Figure 2: Rear Fence of No.157 into which gate will be inserted to match existing.

Panel to be replaced by panel including Gate





Figure 3: Garden Layout as Proposed



Why Planning Permission may be required

As a structure, a building such as the parlour could benefit from ordinary permitted development rights if it were to be used as incidental to the enjoyment of a dwelling house. It is within 2.0 metres of the boundary, and as such it needs to be less than 2.5m in height, and should not cover more than 50% of the original garden area.

As stated above, the parlour has a maximum height of 2.44metres measured from the highest part of the ground. Including the raised base, the finished height of the parlour will still be less than 2.5m from original ground level. Due to the orientation of the parlour it will have minimal impact on the adjoining properties.

The garden measures 18600 x 10800mm (194sqm). At 12 sqm, it will occupy less than 6% of the available garden area. The total area of the original garden remaining free from structures (the parlour and the existing garage) will be 157sqm, or 83% of the original garden area.

However, the use associated with the parlour (dog grooming) is a s*ui generis* use and as such the applicant has decided to apply for planning permission to ensure that the *operation* of the parlour is lawful. Although the structure would, therefore, ordinarily be considered as permitted development within Class E of the Householder permitted development rights[1], planning permission is sought both for the use and for the parlour despite the use being considered as very low intensity.

Dog Grooming

As a bespoke structure, provided by a reputable supplier, the parlour is able to connect to all necessary electrical and water connections which are associated with the main residence.

The activity (Dog Grooming) will comprise the following services:

- Washing;
- Drying;
- Nail clipping;
- Cutting fur with clippers or scissors.

[1] Town and Country Planning (General Permitted Development) (England) Order 2015 as amended

The operation is very relaxing for dogs, hence there is minimal noise associated with it. Importantly, due to the enclosed nature, and construction of the parlour, including a fit out with timber and plaster, a good level of sound proofing will be obtained. There will usually only be one dog per visit (occasionally two) at any time. Therefore noise will be minimal, and confined to hours of operation only. It is noted that in the refused application 2020/0573, no objections were raised as regards noise.

The parlour itself does not generate noise, but during a grooming session some limited noise of running water and drying, will occur, contained within the parlour. The applicant proposes a number of noise management strategies common to dog grooming:

- The cabin would be located in the garden with no direct connection to any neighbour. It will be completely insulated and sound proofed to reduce any noise.
- Door and windows would be closed at all times while grooming to reduce the noise. An air conditioner would be used on hot days and there will be ventilation installed to prevent damp even with the windows closed.

All customers will be expected to have walked their dogs before an appointment. In the unlikely event that a dog toilets during the appointment, the waste will be disposed of in exactly the same way as dog waste from a household pet – i.e. to refuse or compost. Alternatively, the owners of the dog will remove it.

Very little waste is produced. This is true generally in dog grooming, and specifically for the low-key operation envisaged in this case. A small amount of dog hair clipping is likely which can be recycled for nitrogen-rich fertiliser, or disposed of in household waste. No food or treats are provided. The applicant is able to use her utility space for storing any items until such time as taking to recycling centre where there is any requirement to do so.

Products for shampooing are eco-friendly and it is possible to re-use all or some of the water as grey-water.

Access, Parking, and Intensity of Use

The new parlour premises is a timber cabin and will consist of a room for reception/office and grooming table and bath. Customers will arrive via the rear access to the property. Days and hours of opening would be limited to the maximum within the application (Monday – Friday 09:00 – 17:00, Saturday 09:00 – 13:00), including any deliveries.

The clients will drop off their dog at the rear of the property. Clients will not stay during the appointments, and will therefore return to collect their groomed dogs at the end of the appointment time. An appointment lasts for a minimum of 1 to 1.5 hours, but can take up to 3 or 4 hours. Longer appointments will therefore result in fewer vehicle movements.

Clients book appointments by phone or an on-line platform which means that customers do not turn up speculatively. Owners provide their details, and those of their dog, as well as behaviour, previous grooming history. The average drop-off time is around 2 minutes, and no one stays with their dog, and drop off is never in excess of 5 minutes. For the collection time, the customer is usually notified that the dog is ready for collection, and the process is again straightforward and quick. Dogs are dropped off to the rear access, and will be taken directly through to the parlour.

Wilthorpe Road and surrounding area benefits from good access. Car parking space is available on-street to the front of the property, and in nearby residential streets including The Crescent where

additional parking exists. The level and frequency of drop off/pick up would not significantly harm amenity or highway safety.

There will therefore be a **maximum** of 5 visits, or 10 additional vehicular movements per day. Because the hours of operation will be from 09:00 onwards, there will be no impact on the AM peak (07:00-09:00). The PM peak (16:00 – 18:00) may have an increase of 1 or 2 additional visits totalling a maximum of up to 4 additional trips during this time. The application seeks operating hours to 17.00.

The applicant will inform clients to use the on-street parking space with their dog to drop off at appointment times. Appointments will be staggered to ensure that drop-off and collections are distributed with sufficient turnaround time to avoid any congestion issues.

No deliveries are required as the applicant will obtain any materials as part of normal household shopping, or collected from wholesalers, reflecting the small scale nature of the proposal. The applicant will ensure that the small amount of products and equipment needed are acquired in person, or are delivered as part of general shopping delivery to the household.

There is direct access to the garden by insertion of a gate in the fence which falls within permitted development. The garden is a fully enclosed private garden and there will be no other external changes.

Material Planning Considerations

Relevant Planning History: Previous scheme (2020/0573) refused.

Design of Parlour: It is considered that the building is efficient and its setting allows for natural light and passive heating and cooling.

The local character is mixed residential and commercial. There are a mixture of outbuildings set in various nearby gardens. The residential properties are set fronting Wilthorpe Road. The small-scale and low-key nature of the business should not harm local residential character.

The parlour materials and colour are as set out in the planning application. This is considered to blend in with the character of the area, having the appearance of a regular outbuilding which can be found in many residential locations.

Residential amenity: The dog grooming business would be carried out in a self-contained purpose built parlour. Ordinarily, one dog will be groomed at a time. Occasionally a customer may book in two smaller dogs for simultaneous or concurrent grooming but the appointment would be longer. Therefore there remains a maximum of five dogs per day, between the hours of 9am – 5pm. Customers' dogs will not be kept overnight on the premises. It is therefore considered that the scale and nature of the business is such that it will not have an unacceptable impact on the residential amenity of neighbouring properties. Access will be to the rear of the property and the parlour will face away from the rear of premises on Wilthorpe Road.

Visual amenity: The dog parlour is to be operated from a new, purpose built parlour. This has the appearance similar to garden shed or outbuilding, and its scale is such that if used as incidental to the enjoyment of the dwellinghouse, it would be considered as permitted development. As such, it is considered that the proposal will have no adverse impact on the visual amenity of the surrounding area.

Highway safety/parking: the proposal will not prejudice highway safety. Drop-off parking space is available using the nearby existing on-street parking. Sufficient on-street parking exists such that the likely increase in use in this area will not pose a significant harm to the availability of on-street parking or traffic. In this case, a maximum of five customers per day is anticipated. A significant proportion of these are expected to arrive on foot with their owner, using a local service, and incorporating their normal dog-walking into the grooming service. The on-street availability of parking spaces is good during the hours of operation. Given the scale of the business, it is considered that the proposed use should not result in an unacceptable impact on highway safety, nor impact severely on the road network.

Additionally, the site is well served by buses. The Crescent Bus Stop which provides the main link for buses to Barnsley Town Centre, and to Kexborough is nearby. There are regular buses throughout the day (at least 5 buses per hour during peak day time). Whist customers may use their private car, there is no requirement to do so. In fact, many clients may opt to walk where possible to do so, combining the grooming service with their normal exercise.

Therefore, highway safety is not prejudiced. Because of the small-scale nature of the business, the relatively low level of traffic generation, and the arrangements for access and drop off/collection, there will be no detrimental impact on highway safety. Safe and convenient access to the site for cyclists and pedestrians already exists, and the site can be accessed by people with a mobility impairment due to the access path gradient already in place.

Given the operation of the business there should be no adverse impact on highway or pedestrian safety, or significant increase in on-street parking. The impact on residential amenity is not considered to be harmful assessed against the following factors:

Light: Due to the small scale nature of the proposal, and its proposed location, it is not considered that the proposal will result in harm to loss of light.
Noise: Dogs will be in a relaxed environment and are not expected to be noisy. The parlour is designed to reduce any noise escaping externally. At a maximum of two dogs per session, and five per day, the use is unlikely to result in increased noise levels.
Smell: Dogs are groomed and cleaned with specially treated products. Any dog fouling will be removed off site by the dog owner.
Overlooking: The parlour is orientated, and designed in such a way that it will not result in overlooking.
Traffic: As stated above, up to 10 additional vehicle movements will be generated per day. These will be staggered across the working day, and it is not considered to result in harm to the amenities of surrounding residential premises.

Relevant Planning Policies

The Local Plan (adopted January 2019) is relevant. Policy GD1 gives a number of criteria against which development proposals are assessed. Not all are relevant to this proposal. These are set out below:

"Proposals for development will be approved if:	
• There will be no significant adverse effect on the living conditions and residential amenity of existing and future residents;	The use is limited in nature – to a maximum of 5 dogs per day, and between defined operational hours. The building represents a small increase on the existing sheds, and is

	within the allowance that would be considered acceptable under residential permitted development. The remainder of the garden space is more than adequate for existing and future occupiers.
• They are compatible with neighbouring land and will not significantly prejudice the current or future use of the neighbouring land;	The use is compatible with surrounding residential land. The building would, ordinarily, be considered at permitted development. The bespoke, high quality parlour is of high quality and inclusive design, which reinforces and contributes to its specific local context, creating an attractive and safe place from which to operate.
• They will not adversely affect the potential development of a wider area of land which could otherwise be available for development and safeguards access to adjacent land;	N/A
• They include landscaping to provide a high quality setting for buildings, incorporating existing landscape features and ensuring that plant species and the way they are planted, hard surfaces, boundary treatments and other features appropriately reflect, protect and improve the character of the local landscape;	N/A
• Any adverse impact on the environment, natural resources, waste and pollution is minimised and mitigated;	The proposal will minimise waste and maximise recycling by allowing a self-contained space in which to operate. The modern standards to which the parlour is designed, allows for adequate dog grooming to be carried out whilst using the minimum level of water, in a highly efficient way. The parlour is also flexible and adaptable: although designed for dog grooming, it can be used as a normal outbuilding incidental to the dwelling should it be needed (e.g. for storage).
• Adequate access and internal road layouts are provided to allow the complete development of the entire site for residential purposes, and to provide appropriate vehicular and pedestrian links throughout the site and into adjacent areas;	Existing pedestrian and vehicular access is adequate as set out in this report.
• Any drains, culverts and other surface water bodies that may cross the site are	No impact on drains or culverts. Net increase in area of outbuildings in negligible (~12sqm).

considered; Appropriate landscaped boundaries are provided where sites are adjacent to open countryside;	
• Any pylons are considered in the layout; and	N/A – no pylons are affected.
• Existing trees that are to remain on site are considered in the layout in order to avoid overshadowing.	No existing trees will be affected.

Conclusion

The previous application was refused on amenity grounds. The applicant has made a number of concessions and compromises in relation to that decision and the comments raised by neighbours. The application is for a small scale business to operate from the rear garden, in a purpose built self-contained parlour. It will provide a service for dog owners, and creation of a new business within Barnsley. The parlour will not appear out of place in a garden as it resembles an ordinary garden room or outbuilding. It is designed to reduce the impact on neighbouring amenity. Safe and convenient access to the site is achieved via the front of the property, and the scale of operation is such that highway and pedestrian safety will not be harmed.

In considering the planning merits of the application, it is helpful to refer to a recent similar appeal decision (Appeal Ref: APP/A4520/W/16/3157682, 16 May 2017). In that appeal, the inspector concluded that the main issue is the effect of the proposed development upon the living conditions of occupiers of nearby properties, with particular regard to noise, disturbance and odours.

He concludes that "*even if all five dogs with grooming appointments were present on site all day, given the limited capacity of the grooming parlour I am not persuaded that the numbers of dogs present on the site would give rise to unacceptable levels of noise or disturbance beyond that which could potentially be expected from dogs housed at a residential property*".

He went on to state that he did not consider the numbers of dogs likely to be on site at any one time would go beyond what could potentially be expected from a residential property, and in the absence of compelling evidence to the contrary, had no reason to believe that odour from dog excrement would cause an unacceptable impact upon the living conditions of neighbouring occupiers in this respect.

He acknowledged that the business would result in some comings and goings, but was "*not convinced that they would amount to a level that would cause harm or disturbance to occupiers of adjacent residential properties*". This is directly comparable with the proposal at 157 Wilthorpe Road. Given the limited and low-key scale of the proposal, the application for planning permission should be granted.

Appendix 1: Extracts and Considerations from Similar Scheme

Case Study: No.5 Box Walk, BS31 (within Bat hand North East Somerset)
https://www.bathnes.gov.uk/publisher/docs/728862B3597A5493DCBE65926A9ACCCC/Document-728862B3597A5493DCBE65926A9ACCCC.pdf

The application was granted in May 2018. Some of the key points, relevant to No.47 Laburnum Road are extracted below (emphasis added):

Summary of Consultation/Representations:

Highways: Vehicular access to the site for pick-ups/drop-off will be to the rear of the property. It has been specified that the business will operate between 9am and 7pm Monday to Saturday with a maximum of 5 dogs attending each day. There will be no more than one dog in attendance per session with the business being operated on appointment only basis.

***Based on this information, Highways DC do not anticipate the business having a significant impact on the safety and operation of the public highway**. Drop-offs and pick-ups will be undertaken at the rear of the property where the lane is unadopted. The width is sufficient to allow for vehicles to pass while dogs are being dropped off and collected. Furthermore, **the small-scale nature of the business and how it will be operated (with just 1 dog per session and a max. of 5 per day) is unlikely to obstruct traffic flow or have a significant impact on on-street parking in the vicinity**. Trips to and from the site will be distributed more evenly across the day thus rendering any impacts negligible.*

Highways DC therefore have no objection to the proposed outbuilding for use as a dog grooming parlour. It is recommended that a condition be attached to any grant of approval limiting the number of appointments on a daily basis to 5 with a max of one dog per session.

Amenity

The proposed being only a single storey will not appear overbearing to the occupiers of the neighbouring dwellings. Concern has been raised within the representations that the proposed use will result in unwanted noise to neighbouring properties. Only one dog will be on the premises at any one time with a maximum of five dogs visiting the parlour per day. Any noise from visiting dogs will be limited and does not warrant refusal of the application.

Appendix 2

Summary of issue raised by the objectors and brief comment.

Objection Topic	Comments
Barnsley Plan GD1	Objectors raised concerns around impact on amenity, citing Policy GD1. The scheme is assessed against the policy in the report. Since application 2020/0573 was determined by the LPA, the applicant has introduced a number of amendments to address some of these concerns: - Relocation of the proposed grooming parlour: to the rear of the garden resulting in extra distance between the parlour and nearby residential dwellings; - Additional and enhanced access arrangements: to allow for access to the rear of the property for clients using the dog grooming service, and removing the need for access via the front of the property; - Reduction in hours of operation: a reduction by 17% to hours of operation which have been accepted elsewhere within the authority in residential areas. - A 17% reduction in the maximum number of dogs which will visit daily to allow for working within the reduced hours (from 6 to 5).
The Human Rights Act (Art.1 and Art.8)	A victim includes anyone directly affected by the actions which violate their rights. Where there has been a breach of the European Convention on Human Rights, or even where there is about to be, the victim can take proceedings in court under the Human Rights Act. They may be able to take judicial review proceedings, obtain an injunction to stop the violation, force the public authority to take action or obtain damages and compensation. In my experience, the proposal would be unlikely to breach the rights.
COSHH (hazardous substances)	The objectors introduce the COSHH regulations in connection with removal of waste. It is unsubstantiated and not evidenced, and does not explain the connection to the application, other than asserting that the proposal is in contravention. It is noted that BMBC Environmental Protection department is content with the arrangements.
Water Waste Act	It is unclear as to which piece of legislation the objector is referring. A reference to Water Waste Act – I note that this is not available from TSO.
PPG14	No longer in force. The objectors have not explained how development on unstable land is relevant.
PAT Testing	Unlikely to be a material planning matter. This is relevant for any business and its operations and insurance.
Water Industry Act	This legislation does exist. The objectors make reference to it without fully detailing their concerns.
DDA	The proposals are accessible for people with disabilities.
Highway Code	It is difficult to see how a proposal can contravene the Highway Code.

	The objector is asserting that customers may contravene the highway code; this could be true of any and every planning application.