Comments on Consultation Responses

30th November 2020

Planning Application Reference Number	2020/1140
Description	Erection of outbuilding for use as a Dog Grooming Parlour in rear garden (revised proposal compared with planning application 2020/0573)
Site Address	157 Wilthorpe Road, Redbrook, Barnsley, S75 1JQ
Applicant Name	Rebecca Phillips
Applicant Address	157 Wilthorpe Road Redbrook Barnsley S75 1JQ

1. Introduction

1.1 This document provides further comments on consultation responses to the application. Despite repeated requests[1], the comments have not been made available to the applicant. From the previously submitted scheme, and from the appeal, it is possible to predict certain objections.

1.2 It has been predicted that many comments from neighbours have focussed on perceived concerns regarding parking and highways matters. Appendix 1 to this document provides a statement from a dog grooming company in Bristol. It is provided in response to various interested parties' assertions that a facility within the garden of 157 Wilthorpe Road will result in harm to privacy, overlooking and amenity. The facts of this example are broadly similar to those in the application in terms of: hours of operation, scale and number of customers per week, size of grooming parlour and proximity to neighbours.

1.3 The statement discusses drop-off and pick up arrangements which explain how concerns of visitors' comings and goings are unlikely to cause a detrimental impact on amenity. At drop off and collection, the pet owner simply hands over the dog to the groomer at the collection point. There is no need for the pet owner to enter the garden or the house at any point. This aims to clarify arrangements in response to comments from interested parties.

2. Background

2.1 An Appeal against the refusal of a previous scheme is running concurrently. The LPA Statement of Case confirms that the scheme is likely to be acceptable in terms of 1) visual amenity and 2) highway safety. There is therefore common ground between parties in this respect. Para 2.3 of the Statement of Case recognises the surrounding area as both residential and adjoining mixed commercial. There is broad agreement in this statement between parties.

2.2 It has not been possible to see the BMBC Internal consultee comments on the revised application, or any objections submitted. However, these are likely to be similar to the

[1] 5 emails requesting the information were sent on 2nd Nov, 12th Nov, 21st Nov, 25th Nov, 27th Nov

previous/appeal scheme where the LPA recognises that these views of objectors depart from the views of its own internal consultees i.e. Highways Development Management, and Regulatory Services – Environmental Health.

2.3 The Highways DM response confirms that the scheme is acceptable in terms of highway safety. The Regulatory Services response confirms that the scheme will not result in noise nuisance. Of course, in the event that any statutory nuisance arises, there is ample separate legislation in place which is designed to address and remedy the nuisance.

2.4 BMBC, in common with other local authorities, enables the reporting of noise nuisance, and explains the steps taken when noise problems arise. Its website sets out the protocol at the following address, with relevant extracts below:
https://www.barnsley.gov.uk/services/pollution/report-a-nuisance/report-a-noise-problem/

We all live with everyday noise, and are likely to have different views on what noises we find annoying. Nobody has a right to absolute silence, but you should be able to enjoy your home and garden without being affected by unreasonable levels of noise.

Noise that you can report to us

You can report the following types of noise to us:

- noisy neighbours (loud music, parties, alarms, DIY at unreasonable hours, shouting)
- noise from commercial premises (entertainment, alarms, ventilation systems)
- noise from industrial premises (factories, construction sites, demolition, alarms)
- noise in the street (car alarms, street entertainment)
- animals (barking dogs)

Image 1: Extracts from BMBC website (Barnsley.gov.uk) Reporting Noise.

2.5 In the unlikely event that the resulting scheme falls into any of the above categories (noisy neighbours, noise from commercial premises e.g. ventilation, or animals/barking dogs) then there is adequate legislation and mechanisms in place to remedy the problem.

2.6 The perception of unduly harmful additional noise, disturbance and loss of privacy is in direct contradiction to the facts and the way in which the business will operate. It presumes that dog owners will hang around, or wander to the dog grooming parlour in the garden of 157 Wilthorpe Road. This is not the case.

3. Objections & Representations

3.1 Comments from interested parties have not been provided to the applicant despite repeated requests. From the previous application, and the appeal there is an indication as to the concerns and objections content. These are addressed below:

3.2 Some residents state that there are “no other parking spaces in the area”. This directly contradicts BMBC Highways Dept which stated, in the previous scheme:

"*there are no on street restrictions and there appears to be a publicly available area for parking just off the junction with crescent should it be required so it may be more likely that customers pull up and then drive off for ease which wouldn't have any detriment to road safety*."

3.3 Neighbours are also concerned that the parlour would overlook into the back garden and home and may compromise the families' rights to privacy contributing to feelings of imprisonment, due to the parlour limiting their view.

3.4 As will be clear from a site visit, this is not the case. The photo below demonstrates the view from the proposed cabin. There is no overlooking from the parlour into the back garden and home. The applicant has recently increased the height of the garden fence from ~1220mm to a 1850mm height. This was always the intention irrespective of the appeal scheme, and further improved replacement fencing is planned, within the permitted development rights of the dwelling. Overlooking of the garden of 159 Wilthorpe Road simply will not happen; the only person in the dog grooming parlour will be the applicant herself (together with a dog which will only be interested in being groomed). The applicant will be busy grooming the dog. Clients will have dropped their dogs to the house and collect from the same point without attending the parlour or garden. This is standard practice, and is even more of a requirement to maintain social distancing measures.



Image 2: The view from the location of the proposed Parlour

3.5 Neighbours conclude that there may be suspected noise. As set out in para 2.5 to 2.7 above, the noise levels will not be harmful to amenity, and any nuisance can be remedied through other legislation.

3.6 Other comments we expect may have been made are as follows:

- Some occupiers perceive that the area is 98% residential. This is a question of perception. The LPA makes reference in its Statement of Case to surrounding commercial properties. Within 100 metres of the site there are some substantial commercial and other non-residential uses.
- Some concerns regarding access and parking may be raised but are not shared by the LPA.
- Any references to appeal decisions (for example ST/0992/15/FUL) need to be checked by the case officer as, previously, they have supported the proposal at 157 Wilthrope Road.

3.7 Other neighbours may have also submitted concerns. Comments on these are below.

- Some may have concerns regarding loss of privacy and the potential number of customers visiting and looking into their garden. In response to this, it is worth noting that customers will drop off at the gate, or at the house. They will not attend the rear garden (or side of house) with their dog. Almost all footfall traffic will therefore be outside the curtilage of the house. This is consistent with standard practice. Appendix 1 provides a letter from a similar scale operation which confirms usual customs and practices in running a dog grooming salon from a parlour in a rear garden.
- Concerns around parking are in direct contradiction of the BMBC Highways DM Officer.
- Concerns about noise and disturbance are unfounded and unevidenced. I would again draw attention to the findings elsewhere (see Appeal Ref APP/A4520/W/16/3157682[2]). Measures are in place, such as on-line booking, to allow drop off and collection without customers spending time at the property.
- There may be some disagreement regarding garden size and overall area. Measurements have been scaled off of OS mapping data and checked on site. However, even if the garden is only 170 sqm, a cabin of the size proposed would still be considered as permitted development. Note that this is only relevant if PD, but this is not the case. This objection is therefore a red herring.

3.8 Others may also have submitted comments on parking. These concerns are in direct conflict with BMBC Highways DM Officer who considers that customers driving up and dropping off will have no detriment to road safety. They may also disagree that some customers will arrive by foot. Some customers will almost certainly arrive by foot. Appendix 1 to his statement confirms from a dog groomer of a similar scale/operation, that local custom will be likely to arrive on foot. Any local customer within walking distance is likely to walk to an appointment. The example provided in Appendix 1 confirms that, in that case, around 20% of her customers arrive by foot. Of course this will not be capable of being controlled, but it is not outside the realms of possibility, and is not absurd.

4. Conclusion

4.1 Neighbours' concerns, and concerns of the LPA focused on impact on neighbours and commercial uses in a residential setting. These concerns are unfounded for the reasons set out above, and in the Planning Statement. Any impact could reasonably be controlled by conditions. The conditions below are suggested:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.

[2] APP/A4520/W/16/3157682 referenced in Appellant's Statement of Case, where the Inspector found that the business would result in "*some comings and goings*", but the inspector was "*not convinced that they would amount to a level that would cause harm or disturbance to occupiers of adjacent residential properties*".

2. The development hereby approved shall be carried out strictly in accordance with the plans and specifications as approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.

3. The use as a dog grooming parlour hereby permitted shall be limited to being carried out between the hours of 9am to 5pm (Monday to Friday) and 9am to 1pm (Saturday) and at no time on Sundays.
Reason: In the interests of the amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.

4. No more than two dogs at any one time shall be permitted on the premises, with a maximum of five dogs per day.
Reason: In the interests of the amenities of residents and in accordance with Local Plan Policy D1 High Quality Design and Place Making.

5. The dog grooming parlour hereby permitted shall be used solely by the applicant, and ancillary to the residential use of 157 Wilthorpe Road. At no time shall it be sold or rented as a separate commercial unit.
Reason: In the interests of the amenities of residents and in accordance with Local Plan Policy D1 High Quality Design and Place Making.

6. The use a dog grooming parlour hereby permitted shall cease when the property is no longer in the ownership of the applicant, Rebecca Phillips.
Reason: In the interests of the amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.

4.2 Conditions 5 and 6 restrict the use to the appellant only, and that the use ceases where no longer in ownership of the applicant.

4.3 The applicant wishes to pursue this small-scale business from a suitable premises at their home. They are very sympathetic to neighbours' concerns, and aware of the need to carry out the business in accordance with relevant legislation and requirements. To that end, the appellant has funded the necessary qualifications (City & Guilds) and will adhere to legislation and requirements relevant to the business.

4.4 Taking the above facts in this statement into account, the appellant respectfully requests that the appeal is allowed.

Appendix 1

Cut & Cuddle Pet Groomers
Keynsham,
Bristol,
UK
www.cutandcuddle.co.uk

To Whom it May Concern,

Information on Dog Grooming Parlour

I am the owner of Cut & Cuddle Pet Grooming, Bristol. I have been operating for 2 years from a parlour in my garden. The parlour measures 2.4m x 2.4m within a garden measuring 5.3m x 7m. My planning permission limits the hours of operation to 9-7pm on Monday to Saturday, with a maximum of 5 customers per day.

Before Covid-19 restrictions, the opening times allowed me to see an average of 20 customers per week but this has taken two years to build up. This can range from no appointments to a maximum of 5 appointments in any day.

On average, 1 in 5 of customers arrive on foot. Those who live locally are more likely to arrive on foot, and weather plays a big factor. My drop off point is at the rear of my house. Here, dogs are collected at their appointment time and customers generally depart without entering the house, garden or parlour. The same procedure applies at collection and they are contacted 15 minutes before collection is due, to ensure there is no need to wait around. All payments are made electronically so there is no requirement for the customer to come on site. Those that travel to me contribute to my town's economy as they will often use the local shops and cafes.

Despite neighbour objections to the planning application, no objections or complaints have been raised to the operation. Dogs are well behaved and all practices comply with the Animal Welfare Act 1996 and Dog Grooming Standards. I work to a code of conduct which sets out what customers can expect. This includes:

- A clean, tidy and well-maintained salon environment;
- Reassurance that your groomer is fully insured, providing protection for you and your pet whilst in their care;
- Reassurance that your groomer has a duty of care to your pet throughout its stay and that the groomer abides by the 5 animal needs as set out in the Animal Welfare Act.

Yours faithfully,

Clare
Clare Thompson
Cut & Cuddle Pet Groomers