

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2329/0F1
2.	Proposed Development:	CHANGE OF USE OF A UTILITY ROOM IN EXISTING DETACHED GARAGE INTO A DOG GROOMING STUDIO - CONTINUATION OF USE GRANTED PLANNING PERMISSION UNDER REFERENCE 4/21/2419/0F1
3.	Location:	2 SOLWAY RISE, ST BEES
4.	Parish:	St. Bees
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
6.	Publicity Representations &Policy	See Report
7.	Report: SITE AND LOCATION <p>This application relates to 2 Solway Rise, a semi-detached property located on an existing housing estate within the village of St Bees.</p> <p>The site falls within the settlement boundary and benefits from an existing detached garage which is housed within the side garden and also off-street parking for two vehicles.</p> <p>The site is bound by residential properties to the side and a caravan site to the rear.</p> PROPOSAL <p>Planning permission is sought for continued use of A utility room within the existing detached garage which gained a temporary permission for a dog grooming studio in 2021. The building is located within the side garden and incorporates the following dog grooming equipment:</p> <ul style="list-style-type: none"> - Blast dryer and domestic hair dryer; - Pulse Andis Zr Clippers; 	

- Grooming table;
- Nail clippers and scissors.

RELEVANT PLANNING APPLICATION HISTORY

4/21/2419/0F1 - Change of use of a utility room in existing garage into a dog grooming studio
 – 15/11/2021 - Approved on a temporary basis for three years.

CONSULTATION RESPONSES

St Bees Parish Council

No objections.

Highway Authority

No objections.

Lead Local Flood Authority

No objections.

Environmental Health Officer

Advise that there have been no complaints relating to the business since approval in 2021 and therefore have no objections to the continued long/er term use of the dog grooming studio. The hours and 1 dog limit replicate the original approval. They advise that conditions should be attached in relation to hours of opening, limit to one dog at any one time and the submission of a noise management plan if the permission was to be granted in perpetuity, or, if on a further temporary permission they accept that the development can be controlled through Statutory Nuisance powers.

Public Representation

The application has been advertised by way of site notice and neighbour notification letters issued to 4 no. Properties.

No objections have been received as a result of this consultation.

PLANNING POLICY

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Development Plan

On 1st April 2023, Copeland Borough Council ceased to exist and was replaced by Cumberland Council as part of the Local Government Reorganisation of Cumbria.

Cumberland Council inherited the local development plan documents of each of the

	<p>sovereign Councils including Copeland Borough Council, which combine to form a Consolidated Planning Policy Framework for Cumberland.</p> <p>The inherited local development plan documents continue to apply to the geographic area of their sovereign Councils only.</p> <p>The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local Plan.</p> <p>Copeland Local Plan 2021 - 2039 (LP):</p> <p>Cumberland Council continued the preparation of the LP as commenced by Copeland Borough Council.</p> <p>The LP was adopted by Cumberland Council on the 5th of November 2024 replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2021-2016.</p> <p>The policies relevant to this application are as follows:-</p> <p>Strategic Policy DS1 - Settlement Hierarchy</p> <p>Policy DS4 – Design and Development Standards</p> <p>Strategic Policy E1 - Economic Growth</p> <p>Policy H14 – Domestic Extensions and Alterations</p> <p>Strategic Policy CO4: - Sustainable Travel</p> <p>Policy CO7 – Parking Standards</p> <p>Under section 5.2 there is an emphasis in presumption of sustainable development to ensure a satisfactory scheme that is in accordance with Policies.</p> <p>Other Material Planning Considerations</p> <p>National Planning Policy Framework (NPPF)</p> <p>Cumbria Development Design Guide</p> <p>ASSESSMENT</p> <p>The key issues raised by this proposal are the principle of development, its scale and design, the potential impacts on residential amenity, and impacts on the surrounding area in terms of highway conditions and parking.</p> <p><u>Principle of Development</u></p> <p>The dog grooming studio is currently operated from a room within an existing detached garage associated with an existing residential property within St Bees village.</p> <p>The supporting statement includes justification and need for the business, which identifies a</p>
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shortfall in provision particularly as there has been an increase in dog ownership and not an increase in services to match. The applicant has outlined that given the scale of the business any suitable business premises would not be economically viable.

St Bees is designated under Policy DS1 as a Local Service Centre and the proposal is therefore considered to provide a suitably located, sustainable business to meet the needs of the local community.

On this basis, the principle of the development is therefore considered to be acceptable and the use satisfies Policies DS1, E1 and guidance within the NPPF.

Scale and Design

The proposal would not see any additional alterations over and above the previously approved scheme which included modest internal changes to the utility room within the existing garage. There are no external alterations proposed and therefore the proposal is considered to be appropriate in scale and design to meet the needs of the business.

The scale of business has been considered as low level with the operating days being Monday to Friday 08:30 to 16:30 with additional client slots at the weekend between 11:00 and 15:00 if needed. The scale of the business and space available means that only 1 – 2 dogs are groomed per day. The Environmental Health Officer confirmed the hours are reasonable and the use of a planning condition will protect neighbouring amenity.

On this basis, the proposal is considered to be an acceptable scale to meet Policies DS4 and H14.

Residential Amenity

Policy DS4, Policy H14 and section 12 of the NPPF seek to safeguard good levels of residential amenity of the parent property or adjacent dwellings.

The original change of use proposal examined the potential increase in noise and disturbance due to dogs barking and the dog grooming equipment, which includes a blast dryer, a domestic hair dryer and 'Pulse Andis Zr' clippers. The application still maintains a minimal noise policy and although it is not something the Planning Department can control; the applicant has considered the impact of their business on the amenity of the surrounding neighbours as part of the Supporting Statement. The business will be operated in accordance with the details set out in this document.

Environmental Health have been consulted on the application to assess the potential amenity issues for the surrounding properties. The proposal relates to an internal room within a solid breeze block garage with a UPVC access door and no windows, which will reduce noise breakout from barking dogs. Environmental Health advise that there have been no complaints relating to the business since the original approval in 2021 and would have no objections to the continued long/er term use as a dog grooming studio subject to the implications of the conditions under the original approval.



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Environmental Health had suggested that a condition is imposed relating to the submission of a noise management plan; however, on further discussions with Environmental Health this would not be required for a further temporary timeframe subject to adherence with the measures contained within the supporting statement. If a permeant approval is considered, Environmental Health would recommend a noise management plan is conditioned.

Consideration of noise management has been taken into account within the application and noise prevention measures have been submitted as part of the Supporting Statement. The same reduced opening hours at weekends as previously approved can be secured through the use of a planning condition. Officers consider that a further temporary permission can be supported with noise being effectively dealt with under Statutory Nuisance provisions.

In addition, as the application relates to an existing single storey garage, the proposal will not result in any materially harmful impacts in terms of overshadowing or privacy for the neighbouring properties and it would not be overbearing. The existing boundary fence will also reduce any disturbances associated with the business. No neighbours have raised concerns regarding the proposal as a result of the consultation process; the application provides a signed document from nearby properties supporting the continued use of the premises for dog grooming services.

Subject to the imposition of planning conditions, the level of potential disturbance is not considered to result in a material level of harm.

On balance, the development will not have an unacceptable adverse impact on residential amenity, through noise, disturbance or a loss of privacy and the proposal is considered to comply with Policy DS4, H14 and the NPPF guidance.

Highway Conditions and Parking

Policies CO4 and CO5 encourage sustainable travel and prioritise walking as the most sustainable form of transport. The site is located within walking distance of the village and can be accessed by way of the footway adjacent to the public highway and nearby public rights of way; the location is also within walking distance of the train station.

The applicant has also indicated that a walking pick up and drop off service will be offered as part of the grooming service. This will provide an environmentally friendly travel provision and reduce traffic. This is therefore considered to be an acceptable service, ensuring the development is accessible to all and it will reduce negative impacts on the surrounding neighbours and local traffic.

There is only one member of staff that also resides on site and there shall be only one customer at any given time. The Highway Authority raised no objection to the proposed development as it is considered that the proposal will not have a material effect on existing highway conditions. The site visit also confirms that the site can provide adequate off-street parking to meet both the business and residential needs of the property without detriment to the surrounding local residents.

	<p>The development is considered sustainable in terms of transport with the main clientele being local to the site and sufficient parking is available without any detriment to the surrounding area. On this basis, the proposal is therefore considered to satisfy Policy DS4, CO4 and CO7 and the guidance set out in the Cumbria Development Design Guide.</p> <p>Planning Balance and Conclusion</p> <p>The application seeks to retain the continued use of a utility room within a domestic garage as a dog grooming studio. The main issue raised by the application is the potential impact on residential amenity. It is considered that the business as currently operating is of an appropriate scale and the previous planning conditions can be used to control the use and mitigate any potential impacts of the development. Appropriate measures have been included to prevent residential amenity issues and any issues relating to highway safety and parking will be minimal.</p> <p>Although the business has been running under the previous temporary 3 year approval, the supporting statement indicates that business levels have the potential to fluctuate due to personal circumstances and the business may not operate to its full capacity initially and the operating practices may vary during the operating period. Officers consider that a further temporary permission would be appropriate to ensure sufficient time to allow for a full appraisal of the business when being operated at its full potential. A further temporary permission for five years is considered to be reasonable.</p> <p>On balance, whilst some potential harm in terms of noise is identified, it is not considered to significantly and demonstrably outweigh the identified benefits of the development. The proposal therefore represents an acceptable form of development and it accords with the policies set out within the adopted Local Plan and the guidance in the NPPF.</p>
8.	<p>Recommendation:</p> <p>Approve</p>
9.	<p>Conditions:</p> <p>1. The use hereby permitted shall be for a limited period of five years from the date of this decision. At the end of this period the use shall cease, all materials and equipment brought onto the land in connection with the use shall be removed from the site on or before this date and the land restored to its former condition.</p> <p>Reason</p> <p>The use hereby approved is not considered suitable as a permanent form of development in order to safeguard the amenities of the locality.</p>



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2. This permission relates to the following plans and documents as received on the respective dates and development must be carried out in accordance with them: -

Location Plan, scale 1:1250, received 2 October 2024;

Site Plan, reference Floor Plan One, received 2 October 2024;

Statement to support Floor Plan One, Page 2,

Internal Floor Plan, reference Floor Plan Two, received 2 October 2024;

Supporting Statement, received 2 October 2024;

Reason

To conform with the requirement of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

3. The hours of opening shall be restricted to Mondays to Fridays 08:30 to 16:30 and Saturday to Sunday 11:00 to 15:00.

Reason

In the interest of neighbouring amenity.

4. The use hereby permitted shall be carried out in accordance with the details set out in the Supporting Statement. The noise management measures must be carried out and maintained thereafter.

Reason

In the interest of protecting neighbouring amenity.

5. No more than one dog shall be present on the site for the purpose of the permitted use at any one time.

Reason

In the interest of protecting neighbouring amenity.

Informative Notes

1. It is recommended that the applicant continues membership of the Pet Industry Federation and sign up to its Code of Conduct for Pet Groomers.

	<p>2. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.</p> <p>Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority</p> <p>Statement</p> <p>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 in the National Planning Policy Framework.</p>
Case Officer: S. Smith	Date : 19/11/2024
Authorising Officer: N.J. Hayhurst	Date : 20/11/2024
Dedicated responses to:- N/A	