

**5L 3/11/1849/FP - Change of Use from Office to Dog Grooming Parlour (Sui Generis) with new front entrance door and the provision of an Air Conditioning Unit at 30-34 Parliament Square, Hertford, Herts SG14 1EZ for Mr Leo Cunningham**

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**Date of Receipt:** 20.10.2011

**Type:** Full - Other

**Parish:** HERTFORD

**Ward:** HERTFORD-CASTLE

**RECOMMENDATION:**

That planning permission be **GRANTED** subject to the following conditions:

1. Three year time limit (IT12)
2. New Doors and Windows (2E34)
3. Prior to any alterations to the building being first commenced, detailed drawings, together with specifications of the proposed air conditioning unit, shall be submitted to, and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with those approved details.

**Reason:** In the interests of the appearance of the development and in accordance with Policy ENV1 of the East Herts Local Plan Second Review April 2007 and Planning Policy Statement 5: Planning for the Historic Environment

4. The use of the premises for dog grooming shall be restricted to the hours 9.00 a.m. to 6.00 p.m. Monday to Saturday and 9.00 a.m. to 1.00 p.m. on Sundays and Bank Holidays.

**Reason:** In the interests of the amenities of the occupants of nearby properties and in accordance with Policies ENV1 and ENV25 of the East Herts Local Plan Second Review April 2007

**Directive:**

1. 01OL Other Legislation

**Summary of Reasons for Decision**

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County

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Structure Plan, Minerals Local Plan, Waste Local Plan and the saved policies of the East Herts Local Plan Second Review April 2007), and in particular Policies ENV1, STC3, BH5, PPS1: Delivering Sustainable Development, PPS4: Planning for Sustainable Economic Growth and PPS5: Planning for the Historic Environment. The balance of the considerations having regard to those policies is that permission should be granted.

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#### **1.0 Background:**

- 1.1 The application site is shown on the attached OS extract. It comprises the ground floor of an unlisted building, 30-34 Parliament Square on the southern edge of the historic town centre in the Hertford Conservation Area.
- 1.2 The site lies within a Secondary Shopping Frontage as defined by Policy STC3 of the East Herts Local Plan.
- 1.3 The ground floor of the building was formerly occupied by a firm of estate agents. The first floor is currently used as offices.
- 1.4 The proposal is for the change of use of the ground floor of the building from offices to a dog grooming parlour.

#### **2.0 Site History:**

- 2.1 There is no site history relevant to this proposal.

#### **3.0 Consultation Responses:**

- 3.1 County Highways have advised that, in view of the proximity of the site to public parking and sustainable transport, the proposal is acceptable in a highway context.
- 3.2 The Environmental Health Department do not wish to restrict the grant of permission.

#### **4.0 Town Council Representations:**

- 4.1 Hertford Town Council have no objection to the proposal.

**5.0 Other Representations:**

5.1 The application has been advertised by way of press notice, site notice and neighbour notification.

5.2 Two letters of objection have been received, one from the occupiers of the first floor of the building and one from a resident at Millers Court, which can be summarised as follows:-

- Noise levels will rise beyond those experienced under the occupation of the estate agents as a result of dogs barking, the proposed air conditioning unit and the operation of dryers, clippers and trimmers over which voices will be raised.
- Such noise levels would be intrusive to the operation of professional offices and the amenities of residents of Millers Yard, especially during the spring/summer months when windows are open
- The proposal may result in dog fouling and associated odours
- There will be an increase in traffic movements arising from the 'dropping off' and collection of dogs throughout the day. The access to the parking spaces at the rear of the building from a single opening to Millers Yard lies on a dangerous bend with very restricted visibility.

**6.0 Policy:**

6.1 The relevant 'saved' Local Plan policies in this application include the following:

ENV1	Design and Environmental Quality
STC3	Secondary Shopping Frontages
BH5	Extensions and alterations to Unlisted Buildings in Conservation Areas

6.2 In addition, the following national policy guidance is relevant:-

Planning Policy Statement 1: Delivering Sustainable Development  
Planning Policy Statement 4: Planning for Sustainable Economic Growth  
Planning Policy Statement 5: Planning for the Historic Environment

**7.0 Considerations:**

Principle of development

- 7.1 Under Policy STC3 'Secondary Shopping Frontages', proposals for changes of use falling within designated use classes will be permitted provided that this will not result in an excessive concentration of non-shop uses.
- 7.2 The change of use requested in this case is for a dog grooming parlour which does not fall within any of the use classes designated in Policy STC3 but has its own use class i.e. '*sui generis*'. In considering this proposal the character of the use, which generates visits and provides a public service, has similarities to other secondary town centre uses in STC3. It is not anticipated that the use would harm the vitality of the town centre. It is anticipated that a total of twelve to fifteen animals will be groomed per day resulting in approximately three to five animals on the site in any one hour. At least two of these animals will be in the enclosure of the bathing and drying room.
- 7.3 In principle, therefore, the use is complementary to the town centre and considered acceptable.

Impact on Conservation Area

- 7.4 The application relates largely to the change of use which does not in itself alter the external appearance of the building.
- 7.5 In addition to the change of use, it is proposed to construct a central door in the front elevation and an air conditioning unit to be located at the rear side elevation in Millers Yard. Under Policy BH5, proposals to extend or alter an unlisted building in a Conservation Area will be permitted provided that they are sympathetic to the building itself, adjacent buildings and the general character and appearance of the area.
- 7.6 It is considered that the additional front door will be acceptable in principle. The submission of detailed scaled drawings and specifications for approval by the local planning authority can be secured by planning condition; a simpler detailing omitting the pilasters would be preferred.
- 7.7 It is noted that the air conditioning unit will be sited on the rear side wall of the building in Millers Yard. In consideration of the fact that the unit will not be visible from the public highway, there is no objection in principle. Further details of the proposed unit would be required via planning condition.

Impact on amenity of occupiers of neighbouring buildings

- 7.8 Policy ENV1 of the East Herts Local Plan requires that development proposals should respect the amenity of occupiers of neighbouring buildings and ensure that their environments are not harmed by noise and disturbance. Neighbour objections to the proposal relate largely to the potential noise problem of dogs barking. The applicants, who have an existing salon in Potters Bar, are experienced in running dog grooming parlours. They advise that they will divide the floor into separate working zones. This helps to contain the reflection of sound by dissipating sound through absorptive materials. If a dog barks and becomes a problem, the animal is removed to a kennel within the enclosed drying and bathing area which is fitted with sound absorption tiles and sound absorption enclosures for equipment and animals. The applicants advise that dogs usually bark because they want attention and do not bark once they are being groomed.
- 7.9 Sound levels can be high if not contained effectively and may arise from a combination of people talking, music from a radio and the sound emitted from the various machines. The applicants consider that a lack of professionalism and attention to detail is usually at the root of the problem and that, if pets are handled correctly, they rarely contribute to the sound level as they are relatively calm in the hands of a professional.
- 7.10 In addition the applicants propose to add secondary double glazing to the interior of the rear window of the bathing and drying area, high density acoustic foam in the cavity will be installed where stud work is required and the ceiling will be coated in sound absorptive tiles. The applicants advise that the vast majority of sound can be contained within an enclosed bathing and drying area where all potentially noisy machinery will be contained.
- 7.11 No objections to the proposal have been raised by the Environmental Health Department, and if any statutory noise nuisance were to result, there is Environmental Health legislation which could adequately control this.

Hours of Work

- 7.12 The hours of work of the salon are from Monday to Saturday from 9.00 a.m. to 6.00 p.m. Monday to Saturday. Sunday opening hours are proposed from 9.00 a.m. to 1.00 p.m. These hours are considered reasonable and officers do not consider that any noise or disturbance caused by the use would, during those hours, be detrimental to amenity in the area.

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### Parking

- 7.13 There will be four full time staff initially with six part time staff comprising groomers, grooming assistants/trainees and teaching staff.
- 7.14 Five car parking spaces will be available for use by the salon at the rear of the building. It is anticipated that staff parking will take up two to three spaces and that two will be available for customer use only.
- 7.15 It is anticipated that most customers will only require parking when they collect or deliver their pet while others will make use of the local short term pay and display parking facilities if they are shopping or using other in-town facilities.
- 7.16 Student training courses are proposed over several days. Students are encouraged to travel by train and book accommodation with local providers. It is anticipated that this part of the business will not generate additional requirements for parking. Being within the town centre, the site is also reasonably accessible for people travelling by sustainable modes of travel.
- 7.17 County Highways have raised no objection to the proposal in view of the proximity of the site to public parking and sustainable transport.
- 7.18 The restricted access is not ideal, but results from a historic situation. Since there would have been vehicle movements by staff and visitors to the estate agents, Officers do not consider that the use proposes a significant change.

### Potential for Dog Fouling

- 7.19 Consideration has been given to the potential for dog fouling in the vicinity of the salon. Dog owners are expected to keep the environment clean. No objections in this regard have been raised by the Environmental Health Department, and there is other legislation that can be enforced should such a problem occur.

## **8.0 Conclusion:**

- 8.1 The use of the site in planning terms has similar characteristics to other town centre activities, providing a professional service for customers dropping in. While the intensity of the use may be less than the previous use, the location is quite peripheral to the town centre and it is considered preferable to secure occupancy rather than prolong the vacancy of the unit. There are not considered to be highways or

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neighbour amenity reasons to reject the proposal.

- 8.2 Having given all matters due consideration, it is the recommendation of officers that the application be approved, subject to the conditions at the head of this report.