

## **Application Recommended for Approval**

**APP/2016/0414**

Cliviger with Worsthorne Ward

Full Planning Application

Proposed change of use of existing kennels to dog grooming and day care use  
393 BURNLEY ROAD CLIVIGER

### **Background:**

The application relates to a detached house with a large rear garden.

An objection has been received.

### **Relevant Policies:**

#### Burnley Local Plan Second Review

EW9 - Small businesses, working from home and community enterprises in residential areas

### **Site History:**

No previous relevant planning applications.

Approval under the Building Regulations was given in 1968 for the erection of stone/brick work kennels.

The resident is understood to have used the kennels for many years for the breeding of dogs (red setters), although planning permission was not required because the use would have been considered to be incidental to the enjoyment of the dwelling house.

### **Consultation Responses:**

Highway Authority – No objection. The proposal is unlikely to generate significant levels of traffic.

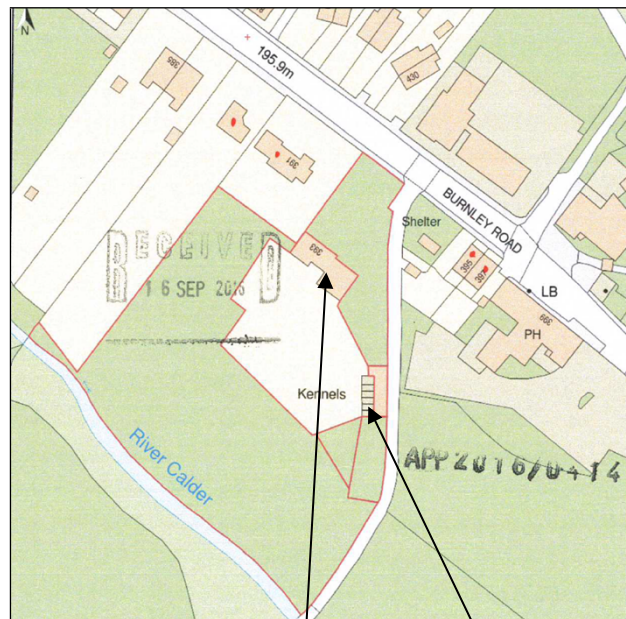
Neighbouring resident – Expressing concern about possible dog barking noise over a six day period, which may be exacerbated by dog walkers passing along the public path/bridleway at the rear of the kennel building.

Environmental Health – No objection. There is a reasonable separating distance between the site and the nearest house; the dogs would be boarded only during the day-time when traffic and other ambient noise levels are relatively high; and, in any event, the same number of dogs could be kept as pets by any householder, without planning control.

### **Planning and Environmental Considerations:**

The application relates to a large detached house fronting Burnley Road, Cliviger. It is set to the rear of a large front garden that includes a substantial driveway and manoeuvring/standing space for several cars.

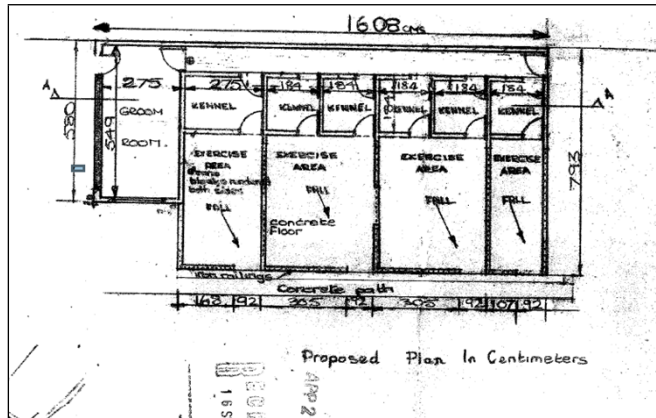
At the rear is a large garden in which is located a small building housing substantial kennels suitable for 5/6 dogs. The building is of rendered blockwork construction, built in 1968 and apparently used for many years, by the then owner, for breeding Red Setters.



Applicant's house   Kennels



The existing kennels building

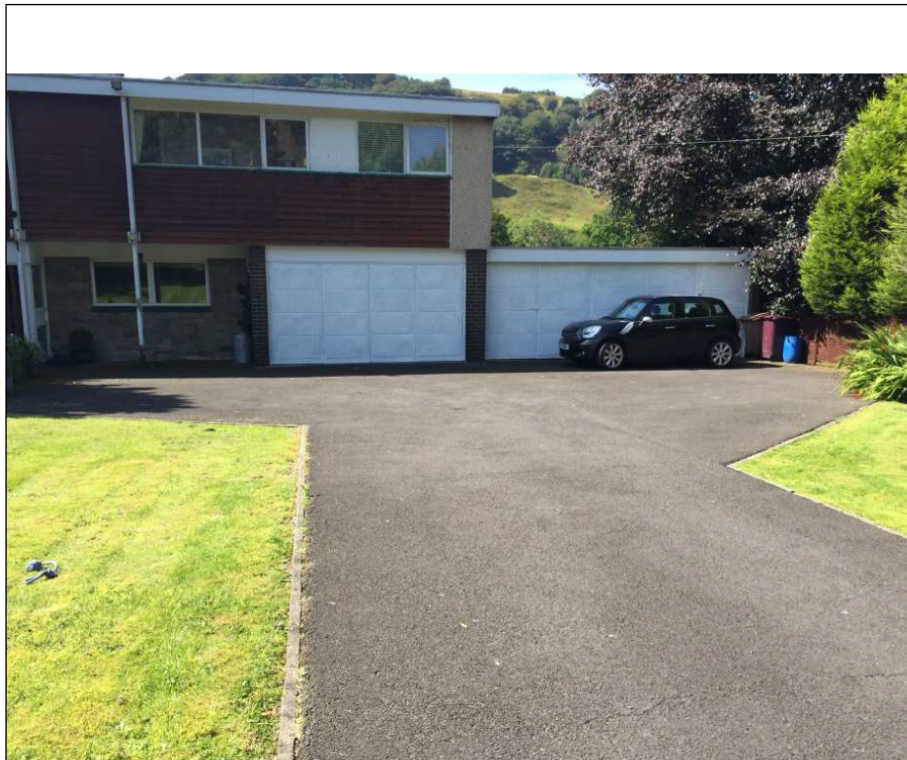


Plan of existing kennels with notes indicating adaptation to the proposed use.

*Proposed use*

The applicant proposes to start a combined Dog Grooming and Dog Day-Care business. In a statement included in the application she states that the dog grooming would amount to a maximum of two per day, over 6 days, and the day care would be for a maximum of 5 dogs. The terms would be by appointment only.

The expectation is that this would amount to a community focussed service, enabling local people to work, have pet dogs, and ensure they are well cared for. The likelihood is expressed that a proportion of customers would deliver their dogs on foot, but that the generous driveway would readily enable convenient access for customers dropping dogs off by car.



Exiting front driveway

**Policy EW9** generally supports the establishment of business uses in residential areas provided there is no adverse impact on neighbouring residents or on vehicle safety.

The Highway Authority is content with the proposal as the traffic generation would be minimal and well accommodated in the existing driveway.

The impact on residents is considered under the next heading.

#### *Representation from the neighbour*

The residents' express a reasonable concern about dog barking noise, however, any such noise would be in the day-time when ambient noise levels are high.

Given the separating distance (around 40m) from the residents' to the kennels and the well-prepared nature of the applicants proposed operation, persistent noise levels, such as might form an on-going nuisance, are unlikely.

The operation of the business is carefully set out in statements accompanying the application and a condition is recommended to restrict the proposed development to operate within those terms. A note should be added to a planning permission about using best endeavours to avoid any nuisance.

#### *Conclusion*

Due account should be taken, in weighing the balance, of the significant benefit to the social and economic well-being of the area resulting from the facility.

The proposed use would likely add a local community service, enabling people to have pet dogs, and work, and have a suitable element of care, with the likelihood that, given the anticipated proper management, no harm would result to neighbouring residents. The proposal would, therefore, be in accordance with EW9.

The recommendation is made on that basis.

#### **Recommendation:**

That planning permission be Granted subject to the following conditions:

#### **Condition**

1. The development must be begun within three years of the date of this decision.
2. The development shall be carried out in accordance with the application drawings, namely: Location plan, site plan and layout plan and statement 1, received 16 Sep 16; statement 2 received 8 Nov 16.
3. The use hereby granted shall be operated in accordance with the details set out in statements 1 and 2 included in the application, in particular the grooming of 2 dogs per day and the day-boarding of 5 dogs at any one time.

4. The dog day-care and dog grooming business shall to operate outside the hours of 0700 hours to 2000 hours on Mondays to Saturdays, and not at any time on Sundays.

**Reason**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure that the development remains in accordance with the development plan.
3. To ensure that the use does not intensify to a point where there is adverse impact on the amenity of neighbouring residents in accordance with Policy EW9 of the Burnley Local Plan, Second Review, currently saved.
4. To restrict the operation of the use to times when the ambient noise levels are high, in the interests of the amenities of neighbouring residents, in accordance with Policy EW9 of the Burnley Local Plan, Second Review, currently saved.

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