

Report to Planning Committee

08 December 2021

Application Reference	DC/21/66199
Application Received	6 October 2021
Application Description	Retention of use of garage as dog grooming facility.
Application Address	7 Lammermoor Avenue, Great Barr Birmingham B43 6ET
Applicant	Ms Karen Hall-Yates
Ward	Great Barr with Yew Tree
Contact Officer	Douglas Eardley douglas_eardley@sandwell.gov.uk

1 Recommendations

1.1 That retrospective planning permission is granted subject to:

- (i) Opening hours;
- (ii) The use hereby approved shall be carried out in accordance with the submitted Management Plan (dated 8.11.2021); and
- (iii) Permission only benefits for applicant.

2 Reasons for Recommendations

2.1 It is considered that the retention of the garage for the use as a dog grooming facility would be acceptable in this instance and would not



cause significant harm to the amenity of adjacent properties or any significant highway issues.

3 How does this deliver objectives of the Corporate Plan?

	A strong and inclusive economy
---	--------------------------------

4 Context

4.1 This application is being reported to your Planning Committee because it has generated objections and a petition.

4.2 To assist members with site context, a link to Google Maps is provided below:

[7 Lammermoor Avenue, Great Barr](#)

5 Key Considerations

5.1 The site is unallocated in the adopted development plans.

5.2 The material planning considerations which are relevant to this application are: -

- Government policy (NPPF)
- Local Planning Policy
- Parking, highway safety and traffic generation
- Noise
- Water/waste issues
- Operation of the premises
- Signage

6. The Application Site

6.1 The application relates to 7 Lammermoor Avenue, which is situated on the eastern side of Lammermoor Avenue, in a residential area.



6.2 The application building (garage) is situated to the rear of the property, where the use of the garage as a dog grooming facility is being carried out. To the front of the property is off-street parking and the garage is accessed through the existing front gates and down the side of the house, as illustrated in the photos below:



Existing front gates.



Back of existing front gates and side passage.



Side of house going towards garage.

7. Planning History

7.1 Relevant planning applications are as follows:

DC/98/34318	Car Port and garage to side.	Approved – 10.07.1998.
-------------	------------------------------	------------------------



DC/25580	Extension to lounge and kitchen at rear of dwelling.	Approved – 04.04.1990
----------	--	-----------------------

8. Application Details

8.1 This application is for the retention of the use of the garage as dog grooming facility. The applicant has confirmed that it is their intention to use the dog grooming facility for visiting customers Thursdays – Fridays 09.00 to 17.00 and Saturdays – 09.00 to 14.00 only; with an unrestricted use of the dog grooming facility for their own dogs. The Applicant has also submitted a Management Plan which set out how the dog grooming facility would operate. It refers to only 1 dog groomed at a time and maximum of 3 dogs in a day. Customers do not stay just drop their dogs off and are encouraged to park on the drive and not block other driveways. Below are some pictures of the outside/inside of the dog grooming facility:



9. Publicity

9.1 The application has been publicised by neighbour notification process; 3 objections (including an objection from Councillor Steve Melia) have been received, together with an objection petition containing 24 signatures. Furthermore, 3 emails of support have also been received.

9.2 Objections

Objections have been received on the following grounds:

- (i) The application is wrongly worded
- (ii) Parking/highway issues
- (iii) Noise
- (iv) Water/waste issues
- (v) No dog breeding at the site
- (vi) The keeping of dogs on the premises by the applicant shall be restricted to a maximum of 2 and as pets only, not for commercial breeding purposes
- (vii) Two black cut outs of dogs have been attached to the front gates advertising the business, which acts as signage; no permission has been applied for

Immaterial objections have been raised regarding dogs fouling on grass.

9.3 Responses to objections

I respond to the objector's comments in turn:

- (i) a) The objector's state that the garage has not always been a dog grooming facility. This is correct, it was once a garage and has now been turned into a dog grooming facility for the use by customer's dogs and the applicant's own dogs.
b) The objector's state that the applicant started trading without apply for planning permission. Regarding this, whilst planning permission should have been sought prior to the use commencing,



the applicant has now applied for retrospective approval, which regulations allow.

c) The objector's state that the applicant would not be part time. The applicant has confirmed that apart from using the dog grooming facility for their own dogs (unrestricted) they only propose to be open to customers on Thursdays – Fridays 09.00 to 17.00 and Saturdays – 09.00 to 14.00. An opening hours condition can be imposed to restrict the hours as such.

d) The objector's state that although the dog grooming facility has been set up for the applicant's own dogs; it is in fact set up mainly for use by external customers. It is considered an opening hours condition, together with a condition ensuring the management plan is adhered to, would ensure that the retention of the dog grooming facility is adequately controlled.

- (ii) The Council's Highways Team have raised no objections (see 10.1). Also, it is proposed to include a personal condition to restrict the operation of the use to the applicant only.
- (iii) The Council's Pollution Control Team (Noise) have raised no objections (see 10.2). It is noted that the Council has received a noise recording of dogs barking at the application site from an objector. However, the Council's Pollution Control Team (Noise) have raised no objections;
- (iv) Severn Trent Water have raised no objections (see 10.3). Therefore, due to the small nature of this use and only being used three days a week, it is considered there would be no significant water/waste issues.
- (v) The applicant has confirmed that just prior to moving to Lammermoor Avenue, one of their dogs had a small litter of puppies. They kept one puppy from this litter (the other puppies were re-homed) and they also brought one more puppy. So, the applicant currently has a total of four pet dogs at the property. The applicant has stated that they have no plans to breed puppies on site and that the use of the garage is purely for dog grooming purposes only. Furthermore, a condition to ensure that the use of the site is carried out in accordance with the Management Plan,



would define the permission and control the operation of the dog grooming facility.

- (vi) As indicated in point 'v' above, the applicant has confirmed that they have no plans to breed puppies on site (commercially or otherwise). The applicant has confirmed that they currently have four dogs kept at 7 Lammermoor Avenue as pets.
- (vii) A picture of the 'two black cut outs of dogs' attached to the front gates at the application site can be seen in the picture below. Due to their size and non-illumination advertisement consent is not required under the regulations for signage.



9.4 Support

Three emails of support have been received and are summarised as follows:

- (i) They provide a great/professional service and it should be allowed to continue.
- (ii) It offers local access for dog grooming in a friendly and discreet location.
- (iii) Very pleased to have this facility in our neighbourhood; and they cannot see any issues whatsoever why it cannot remain, as it's professional and offers a fantastic service.



10. Consultee responses

10.1 Highways

No objection.

10.2 Pollution Control (Noise)

No objection.

10.3 Severn Trent Water

No objection.

10.4 Planning Policy

No significant concerns.

11. National Planning Policy

11.1 National Planning Policy Framework promotes sustainable development but states that local circumstances should be taken into account to reflect the character, needs and opportunities for each area.

12. Local Planning Policy

12.1 The following policy of the council's Development Plan is relevant:
SAD EOS9: Urban Design Principles

12.2 SAD EOS 9 Urban Design Principles states that the Council will reject poor designs, particularly those that are *inappropriate in their locality...* Or *incompatible with their surroundings*. It is considered the appearance of the proposal is acceptable.



13. Material Considerations

13.1 National and local planning policy considerations have been referred to above in sections 11 and 12. With regards to the other material considerations, these are highlighted below:

13.2 Parking, highway safety and traffic generation

Refer to paragraph 9.3 (ii) above. No issues arising.

13.3 Noise

Refer to paragraph 9.3 (iii) above.

13.4 Water/waste issues

Refer to paragraph 9.3 (iv) above.

13.5 Operation of the premises

Refer to paragraph 9.3 (i, v and vi) above.

13.6 Signage

Refer to paragraph 9.3 (vii) above.

14 Alternative Options

14.1 Refusal of the application is an option if there are material planning reasons for doing so. In my opinion the proposal would be acceptable and raises no significant concerns from a highways safety perspective or harm to residential amenity.



15 Implications

Resources:	When a planning application is refused the applicant has a right of appeal to the Planning Inspectorate, and they can make a claim for costs against the Council.
Legal and Governance:	This application is submitted under the Town and Country Planning Act 1990.
Risk:	None.
Equality:	There are no equality issues arising from this proposal and therefore an equality impact assessment has not been carried out.
Health and Wellbeing:	None.
Social Value	None.

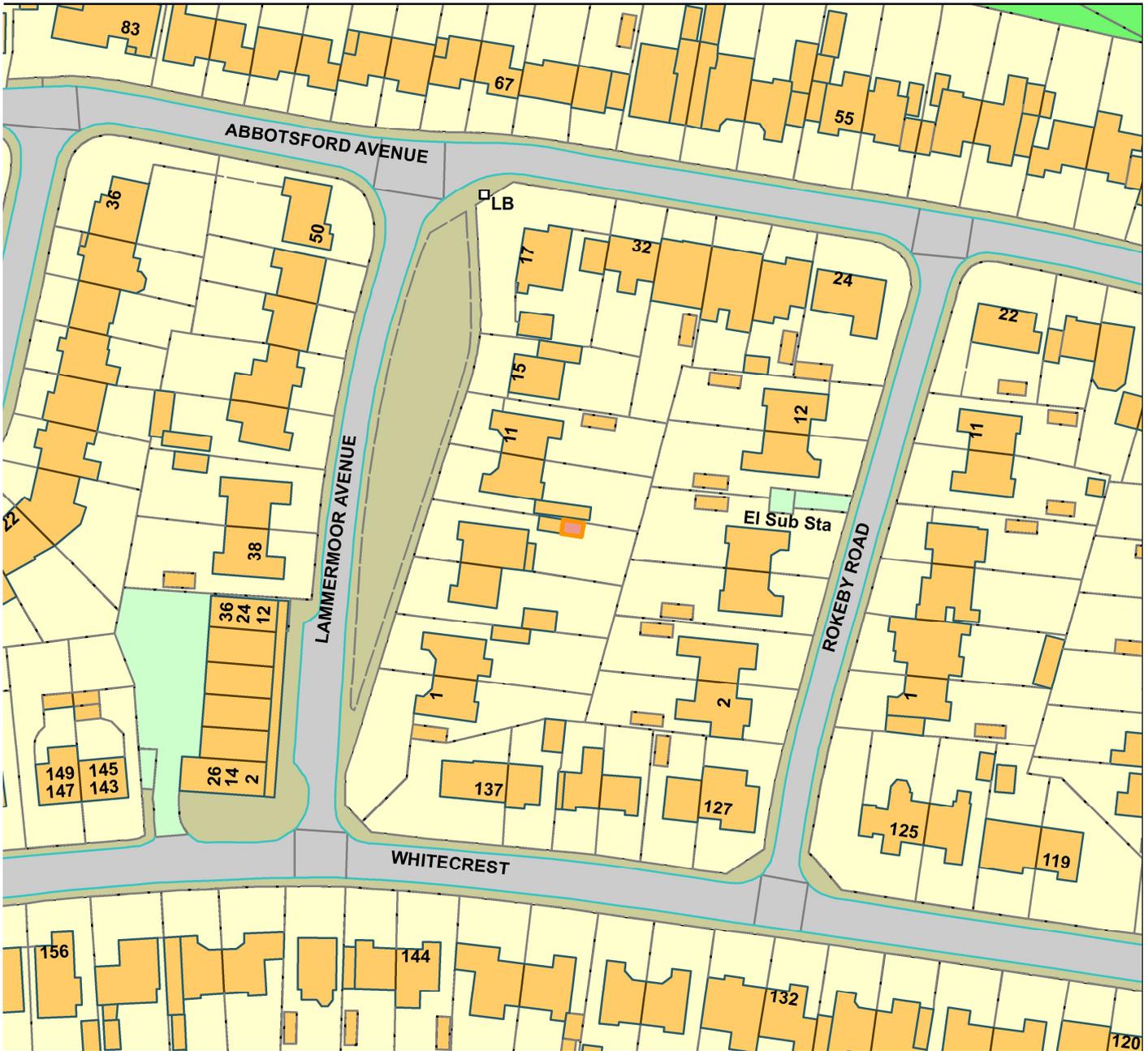
16. Appendices

Site Plan
Context Plan
Plan No. 1
Plan No. 2
Plan No. 3
Plan No. 4
Plan No. 5



DC/21/66199

7 Lammermoor Avenue, Great Barr, B43 6ET



Legend

Sc 1:1114



© Crown copyright and database rights 2019
Ordnance Survey Licence No 100023119

Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	23 November 2021
OS Licence No	



DC/21/66199

1

7 Lammermoor Avenue, B43 6ET



7 Lammermoor Avenue,
 Great Barr,
 Birmingham,
 Sandwell
 B43 6ET

OS MasterMap 1250/2500/10000 scale
 Tuesday, October 12, 2021, ID: MPMBL-00995977
www.planningapplicationmaps.co.uk

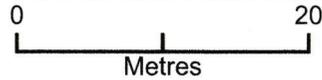
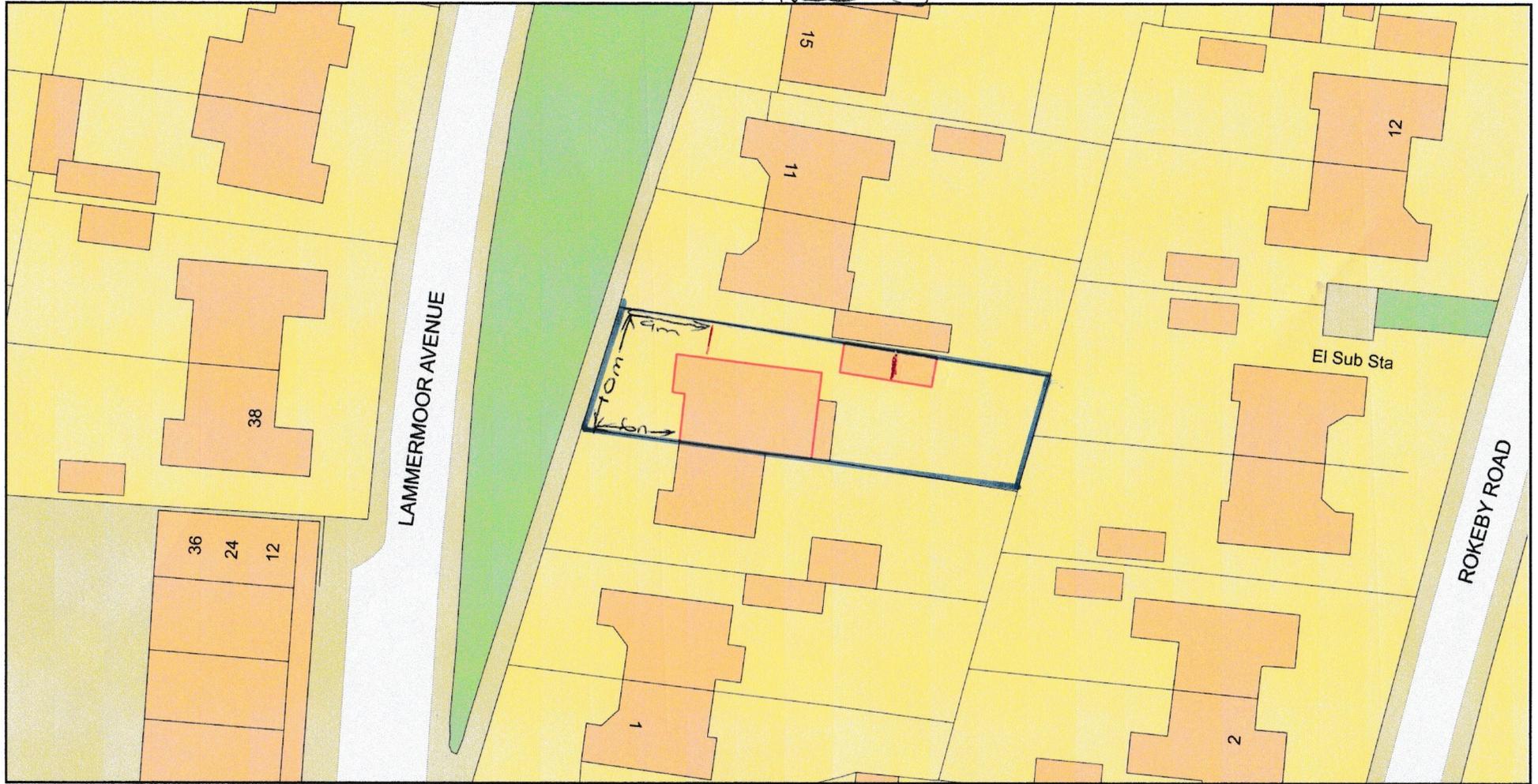
1:1250 scale print at A4, Centre: 404790 E, 294854 N

©Crown Copyright Ordnance Survey. Licence no. 100051661



Posh Paws Canine Styling

showing parking
driveway



Plan Produced for: Karen Hall-Yates

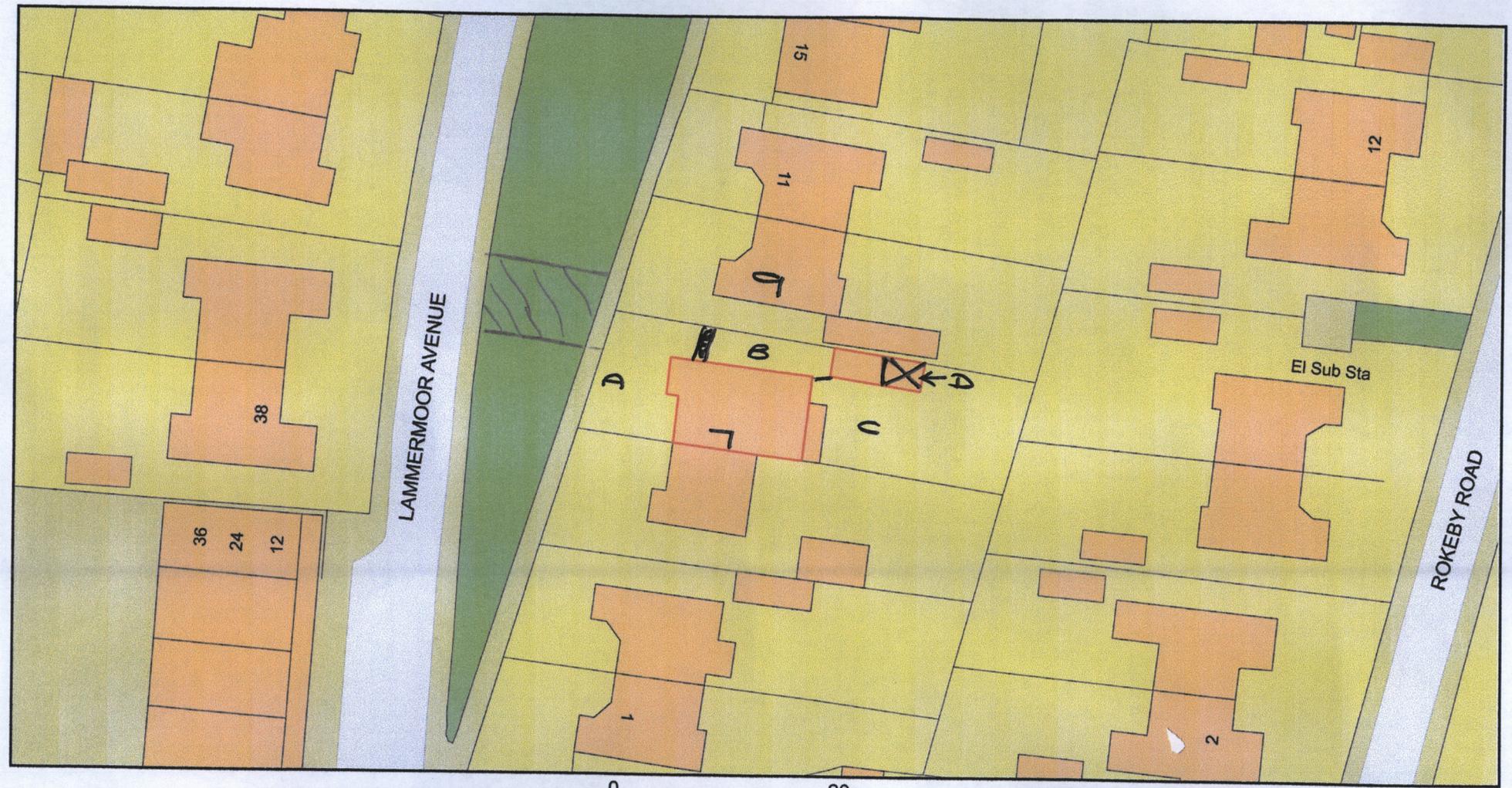
Date Produced: 05 Oct 2021

Plan Reference Number: TQRQM21278223119614

Scale: 1:500 @ A4

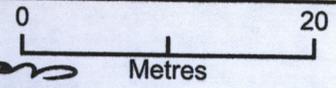
© Crown copyright and database rights 2021 OS 100042766

Posh Paws Canine Styling



Drawing No.5

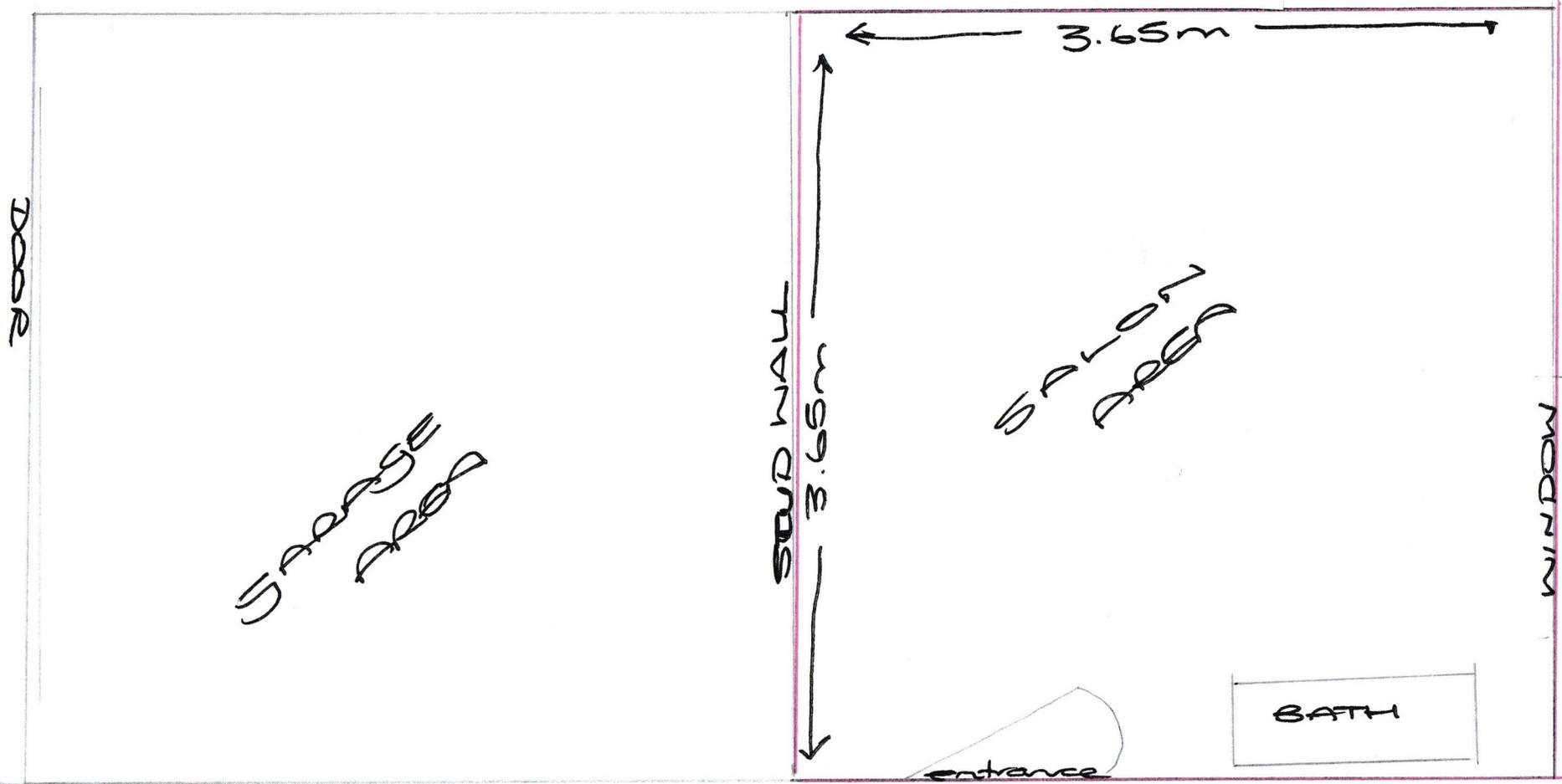
 Shared access to driveways
 GARAGE TYPE DOORS



Plan Produced for: Karen Hall-Yates
 Date Produced: 05 Oct 2021
 Plan Reference Number: TQRQM21278223119614
 Scale: 1:500 @ A4

- A - PRIVATE DRIVEWAY
- B - ENCLOSED YARD
- C - ENCLOSED GARDEN
- D - GROOM ROOM





↑
jared
access to
yard

PRIVATE GARDEN ENCLOSED
BY 6' FENCES