

Report to Planning Committee

Application Number:	2022/0944
Location:	27 Forester Street Netherfield NG4 2LJ
Proposal:	Change of use from B2 (General Industry) to a flexible use of B2 (general Industry) and Sui Generis (dog day care) under Class V of the General Permitted Development Order 2015.
Applicant:	A & M Haigh Property Co
Agent:	JLL
Case Officer:	Peter Langton

This application has been referred to Planning Committee by the Planning Delegation Panel so that issues in respect of highways and residential amenity can be fully discussed.

1.0 Site Description

1.1 The application site comprises a building currently used for industrial purposes that forms part of a wider commercial site. Despite being part of a wider commercial site, the application property is set within a largely residential area.

2.0 Relevant Planning History

2.1 No relevant planning history.

3.0 Proposed Development

3.1 This application seeks permission to change the use of the existing general industrial unit to a flexible use of B2 (General Industry) and doggy day care facility (sui generis use). In accordance with Class V of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), permission can be granted for interchangeable uses for a period of 10 years. At the end of the 10 year period the active use becomes the lawful use.

3.2 No external alterations to the building are proposed as part of this application. The existing light industrial use will be retained in a significantly smaller unit to the rear of the application property where it will be used mainly for storage associated with the existing flooring business.

3.3 During the course of the application the description has been amended to apply for the Class V permission for interchangeable use, as the original proposal was for the change of use to the doggy day care for a temporary period of 10 years. A 7 day public consultation was carried out on the amended description.

4.0 Consultations

4.1 Neighbouring properties have been consulted and a site notice and newspaper advert have been posted. As a result of the consultation undertaken one objection has been received. The reasons for objection can be summarised as follows:

- Increase in commercial use of the site.
- Increased traffic and parking issues.
- Disruptive to local residents.

No responses to the re-consultation have been received.

4.2 NCC Highways – No objection on road safety grounds. However, notes that the Local Planning Authority may wish to consider whether the development if permitted would adversely affect local amenity, as customers to the proposed use may cause inconvenience to the existing residents and visitors, where there is who have a current demand for parking in the area.

4.3 Environmental Health Officer – Considering the close proximity to residential properties the proposed development would be inappropriate in this location. As such an objection is raised.

5.0 Development Plan Policies

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that: 'if regard is had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'.

5.2 The most relevant national planning policy guidance in the determination of this application is contained within the National Planning Policy Framework 2021 (NPPF) and the additional guidance provided in the National Planning Practice Guidance (NPPG). The Greater Nottingham Aligned Core Strategy Part 1 Local Plan and the Local Planning Documents (Part 2 Local Plan) is also pertinent.

5.3 The Gedling Borough Council Aligned Core Strategy (GBACS) (September 2014) is part of the development plan for the area. The following policies are relevant in considering this application:

Policy 4: Employment Provision and Economic Development

Policy 10: Design and Enhancing Local Identity

5.4 The Gedling Borough Local Planning Document (LPD) (July 2018) is part of the development plan for the area. The following policies are relevant in considering this application:

LPD 32: Amenity

LPD 44: Retention of Employment and Employment Uses

LPD 57 Parking Standards

LPD 61: Highway Safety

5.5 Parking Provision for Residential and Non-Residential Development
Supplementary Planning Document (2022)

6.0 Planning Considerations

Principle of Development

- 6.1 The application site is not covered by any site specific planning policy. As the site is an existing employment use LPD 44 is relevant which states that planning permission will be granted for development proposals involving the expansion, conversion or redevelopment of land and premises for employment use, provided the proposal would not cause a significant adverse impact on the amenity of nearby residents or occupiers. Policy 4 of the Aligned Core Strategy encourages the appropriate management of existing employment sites.
- 6.2 The application is for a flexible use of general industrial (Class B2) and doggy day care (sui generis). Given the existing building is in Class B2, the principle of this continued use is considered acceptable.
- 6.3 The application property is a substantial building with sufficient internal space to withstand the use proposed. Given the commercial nature of the existing use it is considered that the principle of the conversion of the building is acceptable subject to an assessment of the impact on neighbouring amenity, parking and highway safety. As no external alterations are proposed it is considered that the proposal will not have a harmful impact on the character and appearance of the surrounding area.

Impact on neighbouring amenity

- 6.4 The application site is set within a largely residential area, albeit in part of an existing commercial site. The original Planning Statement submitted with the application sets out a proposal for the dog day care business to accommodate approximately 50 – 60 dogs per day, with opening times being Monday – Friday 7am-7pm, Saturdays 10am-6pm, and Sunday 9am-5pm. It is proposed that dogs will be dropped off in the morning between 7am and 11am and collected throughout the afternoon between 2pm and 6pm.
- 6.5 However, the Council's Environmental Health Officer raised concerns regarding the proposed number of dogs given the potential for noise as windows will have to be open at the facility to allow for ventilation. This potential for the noise creation could result in a loss of amenity for the residents of neighbouring properties.

- 6.6 As a result of the concerns raised, the application has been amended to reduce the number of dogs that the site would be able to accommodate and also the opening hours. This has reduced the number of dogs to 30 and reduced the hours that the use would be in operation to Monday to Friday between the hours of 07:00 to 19:00 only. The application is considered accordingly and the Environmental Health Officer's comments in respect of the proposed development being inappropriate due to the proximity to residential properties are based on the reduced number of dogs and opening hours.
- 6.7 It should be noted that a noise report has been submitted in support of the application and concludes that the noise generated from the use, in an enclosed building with no outside area for the dogs, would be acceptable. However, dogs can be unpredictable in their nature and as such controlling or predicting noise levels to come from such a use can prove difficult. In particular, at drop off and pick up times it is likely that the noise generated would be quite significant. It also has to be borne in mind that in terms of animal welfare and as part of any the license for the operation of the use, there would be a requirement to have windows open, which would make it difficult to control noise from within the building.
- 6.8 The use is also likely to generate a reasonably large number of vehicle movements through drop-offs and pick-ups. Whilst this would not be harmful to highway safety due to the low vehicle speeds and the residential nature of the area, the frequent drop-offs would, in their own right, have a detrimental impact through activity that would be generated. This would also increase demand on limited on-street parking for local residents, possibly forcing some to park further away from their dwellings, to the detriment of the amenity of local residents.
- 6.9 Therefore, weighing matters in the round, including the fall-back position of the existing industrial use continuing to operate, it is considered that, on balance, and notwithstanding the reduction in number of dogs proposed to be at the site, the impact of noise from the dogs, along with the coming and going of what is likely to be a relatively large number of vehicles to and from the site, that the impact on amenity would be significant and to the detriment of local residents.
- 6.10 Taking the above into account it is considered that the use would have an unacceptable adverse impact on the amenities of the occupiers of adjacent properties, contrary to policies LPD32 and LPD 44 of the Gedling Part 2 Local Plan and Policy 10 of the Gedling Aligned Core Strategy.

Highway and parking

- 6.11 The application site has no off street parking provision. The existing use has 7 full-time staff members, with the proposed use having 10 full-time staff members, although only circa 6 staff members are likely to be on site at any time.
- 6.12 As the proposed use is sui-generis, there are no prescribed parking standards set out within the Local Plan or the Council's parking standards SPD. Whilst the proposed use may result in more staff numbers than the existing use, this would not be a significant increase. Given the absence of staff parking for the current

use it is therefore not considered that the proposed use will be unacceptable despite not providing any off street parking for staff.

- 6.13 In contrast to the existing use, the proposed use will require customers visiting the site twice daily. It is unclear how many customers will visit the site by car, but no doubt there will be a number of vehicles visiting the site throughout the day. The surrounding area is residential in nature, with parking along Forester Street generally being limited to on road parking. Therefore, the proposed use will have some impact on the nearby residents by virtue of comings and goings of customers who will park on the street. The Highways Authority has not raised any objection to this in respect of highways safety, although they do note it is up to the LPA to consider the impact of increased customer parking on nearby residents.
- 6.14 The remaining industrial operations associated with the existing flooring company at the site will be limited to a relatively small amount of storage. The Transport Assessment submitted with the application notes that this will reduce the number of visits, including HGV trips, from 15-20 per week to fewer than 4 trips per week.
- 6.15 The proposed use will result in an increase in trips to and from the site on a daily basis, as well as result in on road vehicle parking on Forester Street and possibly the wider surrounding area. There are car parks in close proximity which may be utilised. The proposed development is likely to reduce HGV movements but increase the number of vehicle movements to the site; however, it is not considered that highway safety would be compromised and on-street parking would be acceptable. Issues in respect of amenity are considered in paragraphs 6.4-6.10 of this report.
- 6.16 Having regard to the above it is considered that, on balance, the application complies with policy LPD57 and LPD61.

Flexible Use

- 6.17 This application seeks flexible use between Class B2 (General Industry) which is the existing use of the site, and the doggy day care (sui generis). Given the existing use has been established at the property for a significant period of time, and would remain lawful if the permission for the change of use was not to be granted, it is considered reasonable to allow for the building to revert to this use within the 10 year time period without the need for further planning permission.

7.0 Conclusion

- 7.1 The application property is an existing commercial use and as such the principle of the change of use is supported. However, notwithstanding changes made to the application, it is considered that the use would be detrimental to the amenity of neighbouring properties from the noise of the dogs along with the arrival and departure of a large number of vehicles. The application is, therefore, deemed contrary to policies LPD 32 and LPD 44 of the Gedling Part 2 Local Plan and Policy 10 of the Gedling Aligned Core Strategy.

Recommendation: REFUSE PLANNING PERMISSION: for the following reason

The proposed use, through the noise that it would generate from the dogs, along with increased vehicle movements, including drop-offs and pick-ups, would have a detrimental impact on the amenity of neighbouring properties in a predominantly residential area, to the detriment of the amenity of local residents.

The application is, therefore, deemed contrary to policies LPD 32 and LPD 44, Policy 10 of the Gedling Aligned Core Strategy, along with guidance contained in Section 12 of the NPPF.