

Application Number: F/23/94610
Case Officer: Summer Sharpe
Received Date: 27 January 2023
Site Address: 37 Victoria Road, Netley Abbey, Southampton, SO31 5DG
Applicant: Millie Diaz
Proposal: Change of use from Class E to Sui Generis to create dog grooming salon.
Recommendation: Permit

CONDITIONS & REASONS

- 1) The development hereby permitted shall start no later than three years from the date of this decision.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

- 2) The development hereby permitted shall be implemented in accordance with the following plans numbered:
- Location Plan
 - Front Elevation (Existing + Proposed elevation plan)
 - Existing and Proposed Floor Plan

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3) The development hereby permitted shall be used only for purposes of a Dog Grooming Salon within Sui Generis use of the schedule to the Town and Country Planning [Use Classes] Order 1987, [or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification] and for no other purposes.

Reason: In the interests of highway safety and local amenity.

- 4) The development hereby permitted shall not operate except between the hours of:
- 09:00 – 19:00 Tuesdays
 - 09:00 – 17:00 Wednesdays & Thursdays
 - 08:30 – 16:00 Saturdays
-

- Not at all Mondays, Fridays, Sundays or public holidays

Reason: To protect the amenity of the occupiers of nearby properties.

INFORMATIVES

Note to Applicant: In accordance with paragraph 38 of the National Planning Policy Framework (July 2021), Eastleigh Borough Council takes a positive approach to the handling of development proposals so as to achieve, whenever possible, a positive outcome and to ensure all proposals are dealt with in a timely manner.

Report

1. This application has been referred to Committee by Councillors; Craig, Holes and Jarvis.

Site Characteristics and Character of the Locality

2. The application site comprises a mid-terrace two-storey building located to the north-east of Victoria Road. The application site specifically relates to the ground floor, which was formerly in use as a tax shop. The building itself is finished in cream coloured render, with blue fenestration at ground floor and a white window positioned centrally within the elevation at first floor level.
3. The application site and wider surroundings fall within the Victoria Road and Station Road, Netley Abbey Local Centre, thus there is a mixture of uses within the vicinity, comprising; MOT garage, bakery, hot food takeaways, and laundrette, as well as residential properties. The site and wider surroundings also fall within the Netley Abbey Conservation Area.

Description of Application

4. This application proposes the change of use from former 'tax shop' (Class E) to a dog grooming salon (Sui Generis). The change of use does not involve any external alterations.

Relevant Planning History

5. Z/32238/000/00
Change of use from shop to restaurant
Refused (July 1991)
Reasons for Refusal:
1. Inadequate parking and excessive fumes and their impact upon neighbouring amenities
 2. Contrary to local plan policies for the siting of restaurants/ cafes/ hot food takeaways
6. C/32238/001/00
Change of use from storage area for retail shop to studio flat and installation of new shop front
Refused (August 1998)
1. Proposed shopfront would be harmful to the appearance of the Conservation Area
 2. Design and layout of the proposed flat did not provide sufficient living or amenity area or car parking
7. A/32238/002/00
Display of internally illuminated fascia sign
Withdrawn (June 1998)

Representations Received

8. 2no. Comments:
- Prospective enterprise that occupies commercial space in the village is encouraged, however additional information should be provided with regard to animal waste storage and disposal.
 - It is beneficial to the local community to have a thriving commercial heart, rather than a row of boarded up shop frontages. However, development was refused at 33-34 Victoria Road as there was a lack of information provided with regard to noise. Noise and parking provisions are raised as a concern.

Consultation Responses

9. Parish Council
Objection.
Members raised concerns over the animal welfare, the lack of space in the building in order to drop off and pick up the dogs as the site has no outside space available. Members welcome new businesses within the village, Members will be happy to review the proposal once more information has been received.

10. EBC Environmental Health

No objection.

Additional information was provided 31 March 2023, whereby the Council's Environmental Health Officer was consulted. The information relating to noise about helping anxious dogs addressed the previous concerns.

Comments 24 March 2023:

It is not unusual for dog grooming uses in mixed residential and commercial settings. But we are aware that sometimes dogs become anxious, and complaints do sometimes arise because of this. With care, this can be minimised but perhaps not eliminated altogether. We recommend the applicant sets out a straightforward management plan on how anxious dogs will be cared for.

11. Hampshire Highways

No objection.

Access in and out of the site is unchanged and the level of trips anticipated as a result of the change of use would not be anticipated to be significantly different, with relatively low levels continuing.

With regard to parking, whilst this is for EBC to assess in terms of quantum, it is noted that on-street shared parking is available, and due to local restriction, this is limited to 30minute stays maximum. As such, there is a good turnover of parking availability.

Policy Context and Designations Applicable to Site

- Within urban edge
- Conservation Area (Netley Abbey)
- HRA Screening: River, SAC, SPA & Ramsar
- Solent Protection Area – Recreational Disturbance Zone

Development Plan Policies

Eastleigh Borough Local Plan 2016 – 2036

12. The relevant policies comprise:

13. Strategic Policies:

- S1 (Sustainable Development)
- S2 (Approach to New Development)
- S8 (Historic Environment)

14. Development Management Policies:

- DM1 (General Development Criteria)
- DM8 (Pollution)

- DM12 (Heritage Assets)
- DM13 (Transport)
- DM14 (Car Parking)
- DM21 (New Retail Development)
- DM22 (Changes of use in retail frontages in Eastleigh Town Centre, District Centres, Local Centres, and Neighbourhood Parades)
- DM36 (Community, Leisure and Cultural Facilities)

Hampshire Minerals and Waste Plan

15. Policy 15 – Safeguarding of Mineral Resources.

Supplementary Planning Documents

- Quality Places (November 2011)

National Planning Policy Framework

16. At national level, the National Planning Policy Framework (the 'NPPF' or the 'Framework') is a material consideration of significant weight in the determination of planning applications. The National Planning Policy Framework (the 'NPPF' or the 'Framework') states that (as required by statute) applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and sets out a general presumption in favour of sustainable development unless material considerations indicate otherwise.

National Planning Practice Guidance

17. Where material, the Planning Practice Guidance which supports the provisions and policies of the NPPF should be afforded weight in the consideration and determination of planning applications.

Assessment of Proposal: Development Plan and / or Legislative Background

18. Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require a Local Planning Authority determining an application to do so in accordance with the Development Plan unless material considerations indicate otherwise.
19. The Development Plan comprises the Eastleigh Borough Local Plan (2016-2036) and the Hampshire Minerals and Waste Plan 2013 (which is not

applicable in this case). The NPPF and the Planning Practice Guidance constitute material considerations of significant weight.

Principle

20. The application site falls within the urban edge, whereby the general principle of development is considered acceptable. The application site also falls within the Victoria Road and Station Road, Netley Abbey Local Centre, thus engaging Policies DM21 and DM22 of the Local Plan.
21. DM21 sets out that new retail development will be permitted in the defined centres provided that it is compatible with the role and retail character of the centre. DM22 relates to changes of use in retail frontages (including Local Centres). This sets out that where a proposal relates to the change of use within the ground floor of the core shopping zone, primary and secondary shop frontages involving the loss of Class E use, community or leisure/ cultural uses under Classes E and F or sui generis uses including pubs, drinking establishments and hot food takeaways, proposals must demonstrate that the new use retains an active ground floor frontage, does not adversely affect amenity of an area or the appearance of the frontage and does not have a negative impact upon the provision of services or on the sustainability of a key shopping area.
22. The application proposes the change of use from former 'tax shop' (Class E) to dog grooming salon (Sui Generis). According to Council Tax records, the former tax shop became vacant in January 2023. The proposals would introduce a new use, which would provide an active ground floor frontage, would not have an adverse impact upon the amenity or the appearance of the area (as will be elaborated upon further within this report), and would aid in the enhancement of the vitality and viability of the area, thus would not be considered to have a negative impact upon the provision of services or sustainability of the Local Centre. As a result, the proposal is considered to be compatible within the Victoria Road and Station Road, Netley Abbey Local Centre. Thus, the change of use is considered to be acceptable in principle, subject to the below considerations.

Design and Impact upon Conservation Area

23. Policy DM1 of the Eastleigh Borough Local Plan (2016-2036) stipulates that all new development should respect the character and appearance of urban areas, take full and proper account of the context of the site including the character, appearance and land uses of the locality or neighbouring, and be compatible in terms of mass, scale, layout density, design and siting.

24. No external alterations have been proposed as part of this application.
25. The applicant has, however, advised that they would be installing signage. From the informal information they have provided, the signage would fall within Schedule 3 (Classes of Advertisement for which Deemed Consent is Granted) Part 1 (Specified Classes and Conditions) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Should the signage alter from that informally discussed then this would need to be assessed against the abovementioned Legislation. It should be noted that any future advert will be considered separately to this planning application.
26. To conclude, the proposals subject to this application do not include any external alterations, therefore the visual impact upon the host dwelling, wider surrounding Local Centre and Conservation Area would remain the same as existing. It would, however, be considered that by having a viable use at the application site, this could enhance the streetscene and vitality of the Local Centre.

Impact upon Neighbouring Amenity

27. Policy DM1 of the Eastleigh Borough Local Plan (2016-2036) amongst other matters, stipulates that all new development should not have an unacceptable impact upon residential amenities of both new and existing residents.
28. Due to the nature and change of use of the proposals, the Council's Environmental Health Team have been consulted. They noted that it is not unusual for a dog grooming use within a mixed residential and commercial area. However, they noted that dogs can become anxious, which could result in barking, leading to additional noise generation. It was therefore suggested that the applicant provide a management plan on how to deal with this matter.
29. The applicant provided additional information "The Dirty Dog Pet Grooming Services". This supporting letter advised upon the operating hours (set out in the conditions), waste disposal (owners would walk dogs prior to appointments but should accidents occur within the salon there is a due process explained further within this report). Further, this letter sets out that there is an allocated appointment time, allowing for 15minute intervals to avoid any cross overs. There would only be 1 dog per appointment (which would be approx. 2 hours) with 4 dogs expected each day. The applicant has also addressed the point on anxious dogs noting that they can have longer appointments. However, if the dog becomes stressed beyond the management of the applicant, the owner will be asked to collect the dog.
30. A third-party comment raised concern with regard to noise, because of a previous application at a neighbouring site. Planning application referenced

“F/19/85521” at 33-34 Victoria Road (due north of the application) was refused in September 2019 because of the lack of information provided with regard to potential noise generation which could result from the change of use from retail (former Use Class A1) to Craft Ale Bar (former Use Class A4) and its potential impact upon the neighbouring amenities. It should be noted that this application was at a different site with a different proposal to that of the current planning application; the nature of a bar is not directly comparable to that of a dog grooming salon. Each application must be determined upon its own merits and therefore this application should not factor in the determination of this current application.

31. As noted above, the application site falls within a mixed-use area, with a variety of neighbouring uses comprising; MOT garage, bakery, hot food takeaways, laundrette and residential. The introduction of a dog grooming salon is not considered to generate additional adverse noise when compared to the existing established uses within the immediate vicinity. The additional information provided by the applicant has addressed the concerns raised by the Council’s Environmental Health Officer, whereby they have raised no objection. As a result, the proposals are considered to be acceptable in this regard.

Highways Safety & Parking

32. Policy DM13 of the Eastleigh Borough Local Plan (2016-2036) requires that development is or could be well served by public transport, cycling and walking and it includes measures which minimise its impact on the existing highway network. Policy DM14 of the same Plan requires that an appropriate level of car parking be provided in accordance with the Council’s adopted standards. The policy provisions are consistent with the requirements of the NPPF and in particular those of paragraphs 107 and 108.
33. Due to the nature of the proposals, the Local Highway Authority (LHA) have been consulted, whereby they have raised no objection.
34. The LHA advised the access in and out of the site would remain unchanged and the level of trips anticipated would be similar to the previous use as a tax shop. With regard to parking, this is for the Borough Council to assess in terms of amount. However, it is noted that on-street shared parking is available, and due to local restriction, this is limited to 30minute stays maximum. As such, there is a good turnover of parking availability. As well as the on-street parking provisions, there is also the Abbey Hall car park, a short walk from the site (0.2miles).
35. The proposals would retain the existing access arrangements, where there are also shared on-street parking provisions to serve the site. To conclude,

the proposals are considered to be in accordance with the abovementioned policies and would therefore be acceptable.

Waste

36. Third-party comments raised concern with regard to animal waste storage and disposal. In this specific instance, this consideration would fall outside the remit of planning, however, the applicant has submitted additional information in this regard, noting that *waste will be double bagged and disposed of offsite in accordance with the Environmental Protection Act and the Controlled Waste Regulations*. The applicant will need to ensure that operations comply with the relevant Legislation, and therefore the development would be considered acceptable.

Climate Impact and Sustainability

37. In July 2019, the Council declared a Climate Change and Environmental Emergency. In doing so it agreed, among other this, to: (a) put in place measures to ensure the Council's own operations and functions achieve carbon neutrality by 2025; (b) work with partners to aim for all projects and services delivered in the Borough to achieve carbon neutrality by 2030; (c) ensure that the Councils procurement policy recognises carbon neutrality as one of its primary considerations; and (d) recognise the urgency of action to mitigate and adapt to climate change in every decision taken by the Council. This is underpinned by the Climate and Environment Emergency Strategy 2020-2030 and the supporting Climate and Environmental Emergency Action Plan – Update June 2020.
38. The declaration of the Climate Change and Environmental Emergency demonstrates a strong commitment from the Council to achieve net zero. The NPPF and development plan do not set this as a specific target, but it is a material consideration to be considered alongside all other material considerations. In any case addressing climate change is a core part of the NPPF and adopted plan policy. The need to support the economy is part of the Strategic Environmental Assessment for the Local Plan, as is an assessment of climate impacts.
39. The NPPF aims for the need for housing to be met, and policy S2 of the Local Plan sets a target for 14,580 dwellings to be provided by 2036. The NPPF, Policies S1, DM2, and DM3 of the Adopted Local Plan and energy and water elements of the adopted Environmentally Sustainable Development SPD require development to be sustainable in terms of resource use, climate change and energy use. When considering the impact of climate change, the proposed development is expected to be resilient to the potential effects of

climate change and is expected to limit impacts on climate emissions as a result of the development or its use.

40. This application would introduce the use of a dog grooming salon within the Victoria Road and Station Road, Netley Abbey Local Centre, an established sustainable location. This use would provide a local service thus could reduce the need to travel further by car.

Equalities Implications:

41. Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states:-
 - a. A public authority must, in the exercise of its functions, have due regard to the need to:
 - i. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - ii. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - iii. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
42. When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups. It is considered that this application does not raise any equality implications.

Conclusion

43. To conclude, the proposals are considered to be acceptable, in accordance with the abovementioned relevant policies. The proposals are therefore recommended for approval, subject to the conditions set out above.

F/23/94610



EASTLEIGH
BOROUGH COUNCIL



Address: 37 Victoria Road, Netley Abbey
Southampton, SO31 5DG

Date: 02/05/2023 Scale: 1:1250